



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 2] नई दिल्ली, शनिवार, जनवरी 14, 1978/पोष 24, 1899
No. 2] NEW DELHI, SATURDAY, JANUARY 14, 1978/PAUSA 24, 1899

इस भाग में सिम्बल पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड(ii)
PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)
केन्द्रीय प्राधिकारियों द्वारा जारी किये गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities
(Other than the Administrations of Union Territories)

चौध, न्याय और कम्पनी कार्य मंत्रालय

(कम्पनी कार्य विभाग)

(कम्पनी विधि बोर्ड)

नई दिल्ली, 4 जनवरी, 1978

1978 का आदेश संख्या—1

का०आ० 45.—कम्पनी विधि बोर्ड (खंड पीठ) नियम, 1975 के नियम 2(इ) तथा नियम 3 के साथ पठित, कम्पनी अधिनियम, 1956 (1956 का 1) की धारा 10इ की उपधारा (4ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस बाबत प्रेषित सभी पहले के आदेशों का अधि-संघन करते हुए कम्पनी विधि बोर्ड, केन्द्रीय सरकार के पूर्व अनुमोदन से एतद्वारा 2 जनवरी, 1978 से अपनी निम्नलिखित खंड पीठों का गठन करता है :—

खंड पीठ संख्या—1

1. श्री पी० कृष्णामूर्ति
2. श्री पी० बी० मैनन

अध्यक्ष
सदस्य

खंड पीठ संख्या—2

1. श्री पी० कृष्णामूर्ति
2. श्री ए० नीलकान्तन

अध्यक्ष
सदस्य

खंड पीठ संख्या—3

1. श्री पी० बी० मैनन
2. श्री ए० नीलकान्तन

सदस्य
सदस्य

खंड पीठ संख्या—4

1. श्री पी० कृष्णामूर्ति
2. श्री एस० राजागोपालन

अध्यक्ष
सदस्य

खंड पीठ संख्या—5

1. श्री पी० बी० मैनन
2. श्री एस० राजागोपालन

सदस्य
सदस्य

खंड पीठ संख्या—6

1. श्री एस० राजागोपालन
2. श्री ए० नीलकान्तन

सदस्य
सदस्य

खंड पीठ संख्या—7

1. श्री पी० कृष्णामूर्ति
2. श्री एस० एम० डूगर

अध्यक्ष
सदस्य

खंड पीठ संख्या—8

1. श्री पी० बी० मैनन
2. श्री एस० एम० डूगर

सदस्य
सदस्य

खंड पीठ संख्या—9

1. श्री एस० एम० डूगर
2. श्री ए० नीलकान्तन

सदस्य
सदस्य

कम्पनी विधि बोर्ड पुनः आदेश देता है कि :—

(1) खंड पीठ संख्या 1, खंड पीठ सं० 2 तथा खंड पीठ संख्या 3, कम्पनी विधि बोर्ड (खंड पीठ) नियम, 1975 के अंतर्गत, कम्पनी विधि बोर्ड के समक्ष सम्पूर्ण देश में कार्य कर रही कम्पनियों की सभी याचिकाओं तथा आवेदन-पत्रों पर सुनवाई कर सकती है व उन्हें अन्तिम रूप से निपटा सकती है।

(2) खंड पीठ सं० 4, खंड पीठ संख्या-5 तथा खंड पीठ संख्या-6, कम्पनी विधि बोर्ड (खंड पीठ) नियम, 1975 के अंतर्गत कम्पनी विधि बोर्ड के समक्ष क्रमशः पश्चिमी तथा दक्षिणी प्रदेशों में कार्य कर रही कम्पनियों की सभी याचिकाओं तथा आवेदन-पत्रों पर सुनवाई कर सकती है व उन्हें अन्तिम रूप से निपटा सकती है; तथा

(3) खंड पीठ संख्या-7, खंड पीठ संख्या-8 तथा खंड पीठ संख्या-9, कम्पनी विधि बोर्ड (खंड पीठ) नियम, 1975 के अंतर्गत कम्पनी विधि बोर्ड के समक्ष पूर्वी प्रदेशों में कार्य कर रही कम्पनियों की सभी याचिकाओं तथा आवेदन-पत्रों पर सुनवाई कर सकती है व उन्हें अन्तिम रूप से निपटा सकती है।

(4) ये खंड पीठ आवश्यक समझे जाने वाले स्थानों पर अपनी बैठकें कर सकती है।

[फाइल सं० 2/1/78-सी०एल०-5]

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Department of Company Affairs)

(COMPANY LAW BOARD)

New Delhi, the 4th January, 1978

ORDER No. 1 of 1978

S.O. 45.—In exercise of the powers conferred by sub-section (4B) of section 10E of the Companies Act, 1956 (1 of 1956) read with Rule 2(e) and Rule 3 of the Company Law Board (Bench) Rules, 1975 and in supersession of all previous orders issued in this behalf, the Company Law Board, with the previous approval of the Central Government, hereby constitutes the following Benches of the Company Law Board with effect from the 2nd January, 1978, namely :—

BENCH NO. I

- | | |
|-------------------------|-----------|
| 1. Shri P. Krishnamurti | —Chairman |
| 2. Shri P. B. Menon | —Member |

BENCH NO. II

- | | |
|-------------------------|-----------|
| 1. Shri P. Krishnamurti | —Chairman |
| 2. Shri A. Neelakantan | —Member |

BENCH NO. III

- | | |
|------------------------|---------|
| 1. Shri P. B. Menon | —Member |
| 2. Shri A. Neelakantan | —Member |

BENCH NO. IV

- | | |
|-------------------------|-----------|
| 1. Shri P. Krishnamurti | —Chairman |
| 2. Shri S. Rajagopalan | —Member |

BENCH NO. V

- | | |
|------------------------|---------|
| Shri P. B. Menon | —Member |
| 2. Shri S. Rajagopalan | —Member |

BENCH NO. VI

- | | |
|------------------------|---------|
| 1. Shri S. Rajagopalan | —Member |
| 2. Shri A. Neelakantan | —Member |

BENCH NO. VII

- | | |
|-------------------------|-----------|
| 1. Shri P. Krishnamurti | —Chairman |
| 2. Shri S. M. Dugar | —Member |

BENCH NO. VIII

- | | |
|---------------------|---------|
| 1. Shri P. B. Menon | —Member |
| 2. Shri S. M. Dugar | —Member |

BENCH NO. IX

- | | |
|------------------------|---------|
| 1. Shri S. M. Dugar | —Member |
| 2. Shri A. Neelakantan | —Member |

The Company Law Board further orders that :

- (1) Bench No. I, Bench No. II and Bench No. III may hear and dispose of finally all petitions and applications made in respect of companies functioning throughout the country before the Company Law Board under the Company Law Board (Bench) Rules, 1975 ;
- (2) Bench No. IV, Bench No. V and Bench No. VI may hear and dispose of finally all petitions and applications made in respect of companies functioning in the Western and Southern Regions respectively, before the Company Law Board under the Company Law Board (Bench) Rules, 1975 ; and
- (3) Bench No. VII, Bench No. VIII and Bench No. IX may hear and dispose of finally all petitions and applications made in respect of companies functioning in the Eastern Region before the Company Law Board under the Company Law Board (Bench) Rules, 1975.
- (4) The Benches may hold their sittings at such places as may be deemed necessary.

[F. No. 2/1/78CL-V]

1978 का आदेश संख्या-2

क्र०अ० 46.—कम्पनी विधि बोर्ड (खंड पीठ) नियम, 1975 के नियम 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस बाबत प्रेषित सभी पहले के आदेशों का अधिलक्षण करते हुए, कम्पनी विधि बोर्ड एतद्-द्वारा आदेश देता है कि जबकि कम्पनी अधिनियम, 1956 की धारा 2 के खंड (18क) के लिये स्पष्टीकरण के अंतर्गत याचिकाएँ तथा धारा 17, 18 व 19 के अंतर्गत याचिकाएँ, इस के बिनांक 4 जनवरी, 1978 के आदेश संख्या 1978 के 1 के अनुसार गठित दो सदस्यीय खंड पीठों द्वारा संभ्यवहारित होगी, वहाँ निवेशनों के प्रेषणों तथा अन्तर्बादीय मामलों सहित, सभी अन्य मामलों से सम्बन्धित याचिकाएँ, इन खंड पीठों के किन्हीं भी सदस्यों द्वारा, एकाकी रूप से संभ्यवहारित होगी।

[फाइल सं० 2/1/78-सी०एल०-5]

क्रान्त मणि शर्मा) अवर सचिव

ORDER No. 2 of 1978

S.O. 46.—In exercise of the powers conferred by Rule 4 of the Company Law Board (Bench) Rules, 1975 and in supersession of all previous orders issued in this behalf, the Company Law Board hereby orders that while petitions under Explanation to clause (18A) of section 2 and petitions under section 17, 18 and 19 of the Companies Act, 1956 shall be dealt with by the Two Member Benches of the Company Law Board constituted vide Company Law Board's Order No. 1 of 1978 dated the 4th January, 1978, petitions in relation to all other matters, including issuing of directions and interlocutory matters, shall be dealt with by any Member of these Benches sitting singly.

[File No. 2/1/78-C.L.-VI
K. M. SHARMA, Under Secy.]

वित्त मंत्रालय

(राष्ट्रिय विभाग)

नई दिल्ली, 24 दिसम्बर, 1977

आयकर

क्रा०आ० 47.—गवर्नेसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात्, भारतीय समाज विज्ञान अनुसंधान परिषद् ने निम्नलिखित संस्था को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के प्रयोजनों के लिए निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात्:—

- (i) यह कि इण्डियन नेशनल थिएटर, मुम्बई, छूट के अधीन संयुक्त राशियों का उपयोग केवल समाज विज्ञान अनुसंधान के लिए ही करेगा।
- (ii) यह कि इण्डियन नेशनल थिएटर, मुम्बई छूट के अधीन प्राप्त निधियों का पृथक हिसाब रखेगा।
- (iii) यह कि इण्डियन नेशनल थिएटर, मुम्बई, भारतीय समाज विज्ञान अनुसंधान परिषद् नई दिल्ली को छूट के अधीन प्राप्त निधियां वशित करते हुए और वह रीति वशित करते हुए जिसमें निधियों का उपयोग किया गया है एक वार्षिक रिपोर्ट भेजेगा।

संस्था

इण्डियन नेशनल थिएटर, मुम्बई

यह अधिसूचना 1-4-1977 से 31-3-1980 तक प्रभावी रहेगी।

[सं० 1995 (क्रा० सं० 203/72/77-आईटीए II)]

जे० पी० शर्मा, उप सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 24th September, 1977

INCOME TAX

S.O. 47.—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Social Science Research the prescribed authority for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 subject to the following conditions:—

- (i) That the funds collected by the Indian National Theatre, Bombay under this exemption will be utilised exclusively for promotion of research in Social Science.
- (ii) That the Indian National Theatre, Bombay shall maintain separate accounts of the funds collected by them under the exemption.
- (iii) That the Indian National Theatre, Bombay shall send an Annual Report to the Indian Council of Social Science Research, New Delhi showing the funds collected under the exemption and the manner in which the funds were utilised.

INSTITUTION

Indian National Theatre, Bombay.

This notification is effective from 1-4-1977 to 31-3-1980.

[No. 1995 (F. No. 203/72/77-ITA.II)]

J. P. SHARMA, Dy. Secy.

आदेश

नई दिल्ली, 29 दिसम्बर, 1977

स्टाम्प

क्रा० आ० 48.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा महाराष्ट्र राज्य वित्तीय निगम, मुम्बई को 82 हजार 5 सौ रुपये का समेकित स्टाम्प शुल्क संवाय करने की अनुमति देती है, जो उक्त निगम द्वारा ऋणपत्रों के रूप में जारी किये जाने वाले एक करोड़ दस लाख रुपये अधिक मूल्य के ऋणपत्रों पर स्टाम्प शुल्क के भदे प्रभावी है।

[सं० 43/77 स्टाम्प, क्रा० सं० 33/83/77-वि० क्र०]

एस० डी० रामस्वामी, अव्वर सचिव

ORDER

New Delhi, the 29th December, 1977

STAMPS

S.O. 48.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Maharashtra State Financial Corporation, Bombay to pay consolidated stamp duty of eighty two thousand and five hundred rupees only, chargeable on account of the stamp duty on bonds in the form of debentures of the face value of One crore and ten lakhs of rupees to be issued by the said Corporation.

[No. 43/77-Stamp-F. No. 33/83/77-ST]

S. D. RAMASWAMY, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 23 दिसम्बर, 1977

क्रा०आ० 49.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 के साथ पठित धारा 56 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिकारिश पर, एतद्द्वारा घोषित करती है कि उपर्युक्त अधिनियम की धारा 11 की उपधारा (1) के उपबन्ध 1 मार्च, 1976 से 28 फरवरी, 1978 तक सावर्कुण्डला नागरिक सहकारी बैंक लि०, सावर्कुण्डला पर लागू नहीं होंगे।

[सं० एफ० 8/3/77-ए० सी०]

वी० एन० बहादुर, उप सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 23rd December, 1977

S.O. 49.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the Savargundla Nagrik Sahakari Bank Ltd., Savarkundla for the period from 1 March 1976 to 28 February 1978.

[No. F. 8/3/77-AC,

V. N. BAHADUR, Dy. Secy.

नई दिल्ली, 27 दिसम्बर, 1977

क्रा०आ० 50.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिकारिश पर एतद्द्वारा यह

घोषणा करती है कि उक्त अधिनियम की धारा 9 के उपबन्ध हिन्दुस्तान कमर्शियल बैंक लिमिटेड, कानपुर की मजबूत सम्पत्ति, अर्थात्, इसके द्वारा मोहितशंसगंज इलाहाबाद में धारित मकान नं० 116/337 पर 9 नवम्बर, 1978 तक लागू नहीं होंगे।

[सं० 15(29)-बी० प्रो० III/77]

New Delhi, the 27th December, 1977

S.O. 50.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 9 of the said Act shall not apply till the 9th November 1978 to the Hindustan Commercial Bank Ltd. Kanpur, in respect of the immovable property, viz., a house No. 116/377 held by it at Mohitshansganj, Allahabad.

[No. 15(29)-B.O. III/77]

क्र० प्रो० 51.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 19 की उपधारा (2) के उपबन्ध बैंक आफ बरौदा द्वारा धारित बरेली कारपोरेशन (बैंक) लिमिटेड, बरेली के शेयरों के सम्बन्ध में 23 जनवरी, 1980 तक, उस पर लागू नहीं होंगे।

[सं० 15(33)-बी० प्रो० III/77]

S.O. 51.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India hereby declares that the provisions of sub-section (2) of section 19 of the said Act shall not apply to Bank of Baroda, upto the 23rd January 1980 in respect of the shares of the Bareilly Corporation (Bank) Ltd., Bareilly, held by it.

[No. 15(33)-B.O. III/77]

क्र० प्रो० 52.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा यह घोषणा करती है:—

(क) कि उक्त अधिनियम की धारा 10 की उपधारा (1) के खण्ड (ग) के उपखण्ड (i) और (ii) तथा धारा 10-ख की उपधारा (2) और (4) के उपबन्ध 25 अगस्त, 1979 तक इण्डियन बैंक, मद्रास पर उस सीमा तक लागू नहीं होंगे, जहां तक ये उपबन्ध इसके अध्यक्ष और मुख्य कार्यकारी अधिकारी के, "ग्रान्ध प्रदेश इण्डस्ट्रियल एण्ड टैक्नीकल कंसल्टेंट्स आर्गेनाइजेशन" का निदेशक होने पर इसलिये पाबन्दी लगाते हैं; कि वह कम्पनी अधिनियम, 1956 (1956 का 1) के अन्तर्गत पंजीकृत एक कम्पनी है; और

(ख) कि उक्त अधिनियम की धारा 19 की उपधारा (3) के उपबन्ध 25 अगस्त, 1979 तक उपर्युक्त बैंक पर उस सीमा तक लागू नहीं होंगे जहां तक उक्त उपबन्ध उक्त बैंक की ग्रान्ध प्रदेश इण्डस्ट्रियल एण्ड टैक्नीकल कंसल्टेंट्स आर्गेनाइजेशन की शेयर धारकता पर इसलिये पाबन्दी लगाते हैं कि वह कम्पनी अधिनियम 1956 (1956 का 1) के अन्तर्गत पंजीकृत एक कम्पनी है।

[सं० 15(30)-बी० प्रो० III/77]

मे० प्रो० उस मंत्रालय, नवम्बर 1977

S.O. 52.—In exercise of the powers conferred by section 53 of Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares —

(a) that the provisions of sub-clauses (i) and (ii) of clause (c) of sub-section (1) of section 10 and sub-section (2) and (4) of section 10B of the said Act shall not apply to Indian Bank, Madras upto the 25th August 1979 in so far as the said provisions prohibit its Chairman and Chief Executive Officer from being a director of the Andhra Pradesh Industrial & Technical Consultancy Organisation being a company registered under the Companies Act, 1956 (1 of 1956); and

(b) that the provisions of sub-section (3) of section 19 of the said Act shall not apply upto the 25th August 1979 to the above mentioned bank in so far as the said provisions prohibit the said bank from holding shares in the Andhra Pradesh Industrial and Technical Consultancy Organisation being a company registered under the Companies Act, 1956 (1 of 1956).

[No. 15(30)-B.O. III/77]

M. B. USGAONKAR, Under Secy.

केन्द्रीय उत्पाद तथा सीमा शुल्क समाहर्तालय: पश्चिम बंगाल: कलकत्ता
कलकत्ता, 17 नवम्बर, 1977

सीमा-शुल्क

क्र० प्रो० 53.—सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 2 की उपधारा 34 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए समाहर्ता, केन्द्रीय उत्पाद तथा सीमा शुल्क, पश्चिम बंगाल, कलकत्ता जो केन्द्रीय उत्पाद तथा सीमा शुल्क समाहर्तालय, पश्चिम बंगाल के अधिकार क्षेत्र में सीमा शुल्क समाहर्ता नियुक्त किए गए हैं— इसके द्वारा नीचे की अनुसूची के स्तम्भ (1) में दिखाए गए अधिकारियों तथा उनके ऊपर वर्जों के अधिकारियों को हुगली जिले के मोगरा में स्थित केशोराम इण्डस्ट्रीज एण्ड कोटन मिल्स लि० (डिवीजन: केशोराम रेयन) के "बंधकित आणखार" की कार्य-प्रणाली की देखरेख के उद्देश्य से उक्त अनुसूची के स्तम्भ (2) में दी गई सीमा शुल्क अधिनियम, 1962 की विभिन्न धाराओं में उल्लिखित 'समुचित अधिकारी' का कार्य सौंपते हैं।

अनुसूची

1	2
अधीक्षक, केन्द्रीय उत्पाद तथा सीमा-शुल्क, त्रिवेणी रेज, चिनसुरा, पो० प्रो० चिनसुरा, जिला हुगली और	60, 62, 64, 67, 68, 69, 72

निरीक्षक, केन्द्रीय उत्पाद तथा सीमा-शुल्क, त्रिवेणी सेक्टर पो० प्रो० त्रिवेणी, जिला हुगली

[प्रतिबुधना सं० 1/77/मि० सं० VIII (40) 2/सी० शु०/प० बं०/77]

COLLECTORATE OF CENTRAL EXCISE & CUSTOMS : WEST BENGAL : CALCUTTA

Calcutta, the 17th November, 1977

CUSTOMS

S.O. 53.—In exercise of the powers conferred by Sub-Section 34 of Section 2 of Customs Act, 1962 (52 of 1962), the Collector of Central Excise & Customs, West Bengal, Calcutta having been appointed as the Collector of Customs within the jurisdiction of West Bengal Central Excise and Customs Collectorate hereby assigns to the officers of and above the rank of the Officers mentioned in Column(1) of the Schedule below, the functions of the "Proper Officer" referred to in the various sections of the Customs Act, 1962 given in the corresponding entry in column 2 of the said schedule, for the purpose of supervision over the working of the "Bonded Warehouse" of M/s. Kesoram Industries &

Cotton Mills Ltd., (Division : Kesoram Rayan) at Mogra in the district of Hooghly.

SCHEDULE

1	2
Superintendent of Central Excise & Customs Tribeni Range at Chinchura, P.O. Chinchura, Dis). Hooghly & Inspector of Central Excise & Customs Tribeni Sector, P.O. Tribeni, Dist. Hooghly.	60, 62, 64, 67, 68, 69, 72.

[Notification No. 1/77/C. No. VIII(40)2/Cus/WB/77]

कांभा 54.—भारत सरकार, वित्त मंत्रालय (राजस्व और बीमा विभाग) अधिसूचना सं० 79/सीमा-शुल्क दिनांक 18-7-75 के साथ पठित सीमा-शुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैं पश्चिम बंगाल राज्य में हुगली जिले के 'मोगरा' को भाण्डागारण स्टेशन घोषित करता हूँ।

[सं० 2/77/मि० सं० VIII (40) 2/सी० शु०-प० सं०/77]

S.O. 54.—In exercise of the powers conferred by Section 9 of the Customs Act, 1962 (52 of 1962) read with Government of India, Ministry of Finance (Department of Revenue and Insurance) Notification No. 79/Customs/dated 18-7-1975, I declare 'Mogra' in the District of Hooghly in the State of West Bengal, to be a Warehousing Station.

[Notification No. 2/77/C. No. VIII(40)2/Cus./WB/77]

कलकत्ता, 28 नवम्बर, 1977

कांभा 55.—भारत सरकार, वित्त मंत्रालय (राजस्व और बीमा विभाग) अधिसूचना सं० 79/सीमा-शुल्क दिनांक 18-7-1975 के साथ पठित सीमा-शुल्क अधिनियम 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं पश्चिम बंगाल राज्य में 24 परगना जिले के 'जगतदल' को भाण्डागारण स्टेशन घोषित करता हूँ।

[सं० 3/77-मि० सं० VIII (40) 3-सीमाशुल्क/प० सं०/75]

Calcutta, the 28th November, 1977

S.O. 55.—In exercise of the powers conferred by Section 9 of the Customs Act, 1962 (52 of 1962) read with Government of India, Ministry of Finance (Department of Revenue and Insurance) Notification No. 79/Customs dated 18-7-1975, I declare 'Jagatdal' in the District of 24 Parganas in the State of West Bengal, to be a warehousing station.

[No. 3/77/C. No. VIII(40)/Cus.WB/77]

कांभा 56.—सीमा-शुल्क अधिनियम, 1962 (1962 का 52) की धारा (2) की उपधारा 34 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए समाहर्ता, केन्द्रीय उत्पाद तथा सीमा-शुल्क, पश्चिम बंगाल, कलकत्ता जो केन्द्रीय उत्पाद तथा सीमा-शुल्क समाहर्तालय, पश्चिम बंगाल के अधिकार क्षेत्र में सीमा-शुल्क समाहर्ता नियुक्त किए गए हैं—इसके द्वारा नीचे की अनुसूची के स्तम्भ (1) में दिखाए गए अधिकारियों तथा उनसे ऊपर दर्जे के अधिकारियों को 24 परगना जिले के जगतदल में स्थित 'बूत कम्बर्स इण्डिया लि०' के 'वन्धित भाण्डागार' की कार्य-प्रणाली की देखरेख के उद्देश्य से उक्त अनुसूची के स्तम्भ (2) में दी गई सीमा-शुल्क अधिनियम, 1962 की विभिन्न धाराओं में उल्लिखित 'मनुचित अधिकारी' का कार्य सौंपते हैं।

अनुसूची

1	2
सीमा-शुल्क अधीक्षक, कलकत्ता मुख्य निरूपण इकाई,	60, 62, 64, 67,
सीमा-शुल्क प्रमण्डल, पश्चिम बंगाल, कलकत्ता	68, 69, 72
और	
सीमा-शुल्क निरीक्षक, सीमा-शुल्क प्रमण्डल, पश्चिम बंगाल, कलकत्ता।	

[सं० 4/77 मि० सं० VIII (40) 3/सीमा-शुल्क/प० सं०/75]
ए० के० भौमिक, समाहर्ता

S.O. 56.—In exercise of the powers conferred by Sub-Section 34 of Section (2) of the Customs Act, 1962 (52 of 1962), the Collector of Central Excise and Custom, West Bengal, Calcutta having been appointed as the Collector of Customs within the jurisdiction of West Bengal Central Excise & Customs Collectorate hereby assigns to the Officers of and above the rank of the Officers mentioned in Column (1) of the Schedule below, the functions of the "Proper Officer" referred to in the various sections of the Customs Act, 1962 given in the corresponding entry in column (2) of the said schedule, for the purpose of supervision over the working of the "bonded Warehouse" or M/s. Wool-Combers India Ltd. at Jagatdal in the district of 24 parganas.

SCHEDULE

1	2
Superintendent of Customs, Calcutta Apprisement Unit, Customs Division, West Bangal, Calcutta.	60, 62, 64, 67, 68, 69, & 72.
&	
Inspector of Customs of Customs Division, West Bengal, Calcutta.	

[No. 4/77-C. No. VIII(40)3-Cus./WB/75]

A. K. BHOWMIK, Collector

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 29 अक्तूबर, 1977

(आयकर)

कांभा 57.—केन्द्रीय प्रत्यक्ष-कर बोर्ड, आयकर अधिनियम 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अपनी अधिसूचना सं० 1802 (फा० सं० 187/14/77-आई०टी० (ए०-1) तारीख 4-6-77 में निम्नलिखित संशोधन करता है।

क्रम सं० 2 आन्ध्र प्रदेश-I के सामने, स्तम्भ 3 के नीचे निम्नलिखित जोड़ा जाएगा, अर्थात् :—

"19. विशेष सक्ति-III, हैदराबाद"

क्रम सं० 2-ख आन्ध्र प्रदेश-III के सामने, स्तम्भ 3 के नीचे आने वाली मव सं० 12 का खोप किया जाएगा और मव सं० 13 से 16 को 12 से 15 के रूप में पुनःसंख्यांकित किया जाएगा।

यह अधिसूचना 1-11-1977 से प्रभावी होगी।

[सं० 2034/फा० सं० 187/14/77-आई०टी० (ए-1)]

एम० शास्त्री, अवर सचिव

CENTRAL BOARD OF DIRECT TAXES.

New Delhi, the 29th October, 1977

INCOME-TAX

S.O. 57.—In exercise of the powers conferred by sub-section (1) of Section 121 of the I.T. Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendments to the Schedule appended to its notification No. 1802 (F. No. 187/14/77-IT(AI)) dated 4-6-77.

Against Sl. No. 2, Andhra Pradesh-I, the following shall be added under Col. 3:—

“19. Spl. Circle-III, Hyderabad.”

Against Sl. No. 2B—Andhra Pradesh-III, Item No. 12 appearing under Col. 3 shall be deleted and items No. 13 to 16 shall be renumbered 12 to 15.

This Notification shall take effect from 1-11-1977.

[No. 2034 (F. No. 187/14/77-IT(AI))
M. SHASTRI, Under Secy.]

वाणिज्य मंत्रालय

संयुक्त मुख्य निर्यातक, आयात-निर्यात का कार्यालय मद्रास

(लोहा और इस्पात प्रखण्ड)

आदेश

मद्रास, 17 अक्टूबर, 1977

का० आ० 58.—आयात लाइसेंस संख्या पी/जेड/0267047/सी/एक्सप्रेस/63/एम/76, दिनांक 26-5-77 सर्वश्री एच० वी० जैन, 200-एन० एस० बोस रोड, मद्रास को जारी किया गया था।

सार्वजनिक सूचना संख्या 30/77, दिनांक 26-5-77 के अनुसार आयात लाइसेंसधारियों को आयात लाइसेंस जारी होने की तारीख से तीन मास के अन्दर माल आयात करने के लिए पक्की वचनबद्धता कर लेनी थी, अपितु उममें सफल नहीं होने पर लाइसेंस स्वयं अवैध समझा जाएगा। सर्वश्री एच० वी० जैन, 200 एम० एस० सी० बोस रोड, मद्रास को दिनांक 25-8-77 को एक कारण बताओ सूचना जारी की गई थी कि क्या पार्टी ने निर्धारित अवधि के अन्तर्गत पक्की वचनबद्धता कर ली और यदि नहीं तो क्यों न उक्त आयात लाइसेंस रद्द कर दिया जाना चाहिए। पार्टी ने कारण बताओ सूचना का न तो कोई उत्तर दिया है और न ही यह दिखाने के लिए कि उन्होंने पक्की वचनबद्धता की है, कोई वस्तावेजी साध्य प्रस्तुत किया है।

पूर्वोक्त कठिनाओं में जो कुछ भी वर्णन किया गया है उसे ध्यान में रखते हुए अधोहस्ताक्षरी सन्तुष्ट है कि विषयाधीन आयात लाइसेंस रद्द कर दिया जाना चाहिए अथवा अन्यथा रूप से अप्रभावित घोषित कर दिया जाना चाहिए। अतः समय-समय पर यथा संशोधित आयात (नियंत्रण) आदेश, 1955 की धारा 9 के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर अधोहस्ताक्षरी पार्टी के नाम में जारी किए गए उक्त आयात लाइसेंस को एतद्वारा रद्द करता है।

[संख्या आई० टी० सी० 894-895/21(2)/4/ए० एम०-77]

MINISTRY OF COMMERCE

(Office of the Joint Chief Controller of Imports and Exports,
Madras)

(IRON AND STEEL DIVISION)

ORDER

Madras, the 17th October, 1977

S.O. 58.—The Import Licence No. P/Z/0267047/C/XX/63/M/76 dated 26-5-1977 was issued to M/s. H. V. Jain, 200 N.S.C. Bose Road, Madras.

In terms of Public Notice No. 30/77 dt. 28-5-77 the Import Licence holders were required to enter into firm commitments for import the materials within three months from the date of issue of licence, failing which the licence will automatically stand invalidate. A Show Cause Notice dated 25-8-77 was issued to M/s. H. V. Jain, 200, N. S. C. Bose Road, Madras to whether any firm commitment has been made within the stipulated period and if not why the said import licence should not be cancelled. The firm have not replied to the show cause notice nor produced any documentary evidence to show that they have entered into firm commitments.

Having regard to what has been stated in the preceding paragraphs, the undersigned is satisfied that the import licence, in question, should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of the powers vested in under Sub-Clause (CC) of Clause 9 of the Import (Control) Order 1955, as amended from time to time hereby cancel the Import Licence mentioned above and issued in favour of the firm.

[No. ITC/894-895/21(ii)/IV/AM.77]

आदेश

का० आ० 59.—आयात लाइसेंस संख्या पी/जेड/0266735/सी/एक्सप्रेस/63/एम/76 दिनांक 23-5-77 सर्वश्री पारसमल सिंघवी, 13/10-कासी चेट्टी स्ट्रीट, मद्रास को जारी किया गया था सार्वजनिक सूचना संख्या 30/77, दिनांक 28-5-77 के अनुसार आयात लाइसेंस धारियों को लाइसेंस जारी होने की तारीख से तीन मास के अन्दर माल आयात करने के लिए पक्की वचनबद्धता कर लेनी थी अपितु उसमें असफल होने पर लाइसेंस स्वतः अवैध समझी जाएगा। सर्वश्री पारसमल सिंघवी, 13/10-कासी चेट्टी स्ट्रीट, मद्रास, को दिनांक 25-8-77 को एक कारण बताओ सूचना जारी की गई थी कि क्या पार्टी ने निर्धारित अवधि के अन्तर्गत पक्की वचनबद्धता कर ली है और यदि नहीं तो क्यों न उक्त आयात लाइसेंस रद्द कर दिया जाना चाहिए। पार्टी ने कारण बताओ सूचना का न तो कोई उत्तर दिया है और न ही यह दिखाने के लिए कि उन्होंने पक्की वचनबद्धता की है कोई वस्तावेजी साध्य प्रस्तुत किया है।

पूर्वोक्त कठिनाओं में जो कुछ भी वर्णन किया गया है उसे ध्यान में रखते हुए अधोहस्ताक्षरी सन्तुष्ट है कि विषयाधीन आयात लाइसेंस रद्द कर दिया जाना चाहिए अथवा अन्यथा रूप से अप्रभावित घोषित कर दिया जाना चाहिए। अतः समय-समय पर यथा संशोधित आयात (नियंत्रण) आदेश, 1955 की धारा 9 के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर अधोहस्ताक्षरी पार्टी के नाम में जारी किए गए उक्त आयात लाइसेंस को एतद्वारा रद्द करता है।

[सं० आईटीसी/522-524/08.01/13/एम 77/ईआई/आई एण्ड एस]

एच० नरसिंहन, उप-मुख्य निर्यातक
रुते संयुक्त मुख्य निर्यातक

ORDER

S.O. 59.—The Import Licence No. P/Z/0266735/C/XX/63/M/76 dated 23-5-77 was issued to M/s. Parasmal Singhvi, 13/10, Kasi Chetty Street, Madras.

In terms of Public Notice No. 30/77 dated 28-5-77 the Import Licence holders were required to enter into firm commitments for import the materials within three months from the date of issue of licence, failing which the licence will automatically stand invalidate. A Show Cause Notice dated 25-8-1977 was issued to M/s. Parasmal Singhvi, 13/10, Kasi Chetty Street Madras as to whether any firm commitment has been made within the stipulated period and if not why the said import licence should not be cancelled. The firm have not replied to the show cause notice nor produced any documentary evidence to show that they have entered into firm commitments.

Having regard to what has been stated in the preceding paragraphs, the undersigned is satisfied that the import licence, in question, should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of the powers vested in under Sub-Clause (CC) of Clause 9 of

the Import (Control) Order 1955, as amended from time to time hereby cancel the import licence mentioned above and issued in favour of the firm.

[No. ITC/522-524/06.01/13/AM. 77/EI-I&S]
S. NARASIMHAM, Dy. Chief Controller
for Jt. Chief Controller

मुख्य निर्यातक, आयात-निर्यात का कार्यालय

आदेश

नई दिल्ली, 23 दिसम्बर, 1977

का० आ० 60.—उर्वशी बोकारो इस्पात लि०, कलकत्ता, को 1,60,550.00 रुपये (एक लाख साठ हजार पांच सौ पचास रुपये मात्र) मूल्य का आयात लाइसेंस सं० आई/एयू/1059246/सी/एक्स एक्स/46/एच/35-36 दिनांक 20-3-73 प्रदान किया गया था। उन्होंने उक्त लाइसेंस की अनुलिपि सीमाशुल्क प्रयोजन/मुद्रा विनिमय नियंत्रण प्रयोजन प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि मूल सीमाशुल्क प्रयोजन/मुद्रा विनिमय नियंत्रण प्रयोजन प्रति खो गई/अस्थानस्थ हो गई है। आगे यह भी बताया गया है कि मूल सीमाशुल्क प्रयोजन/मुद्रा विनिमय नियंत्रण प्रति सीमाशुल्क प्राधिकारी, कलकत्ता, के पास पंजीकृत की गई थी और उनका अंशतः उपयोग में लाया गया था। खोने/अस्थानस्थ होने की तिथि तक इसका 51,596 रुपये के लिए उपयोग कर लिया गया था और इसमें शेष 1,08,954/- रुपये उपलब्ध थे।

2. इस तर्क के समर्थन में आवेदक ने एक शपथ-पत्र दाखिल किया है। तबनुसार मैं संतुष्ट हूँ कि उक्त लाइसेंस की मूल सीमाशुल्क प्रयोजन/मुद्रा विनिमय नियंत्रण प्रयोजन प्रति खो गई है। अतः यथा संशोधित आयात व्यापार नियंत्रण आदेश 1955, दिनांक 7-12-55 की उपधारा 9 (सी सी) द्वारा प्रदत्त अधिकारों का प्रयोग कर उर्वशी बोकारो इस्पात लि०, कलकत्ता के नाम में जारी किए गए लाइसेंस सं० आई/एयू/1059246/सी/एक्स एक्स/एच/46/35-36 दिनांक 20-3-73 को उक्त मूल सीमाशुल्क प्रयोजन/मुद्रा-विनिमय नियंत्रण प्रति एतद्वारा रद्द की जाती है।

3. उक्त लाइसेंस की अनुलिपि सीमा शुल्क/मुद्रा विनिमय नियंत्रण प्रयोजन प्रति आवेदक को अलग से जारी की जा रही है।

[संख्या : बी एम एल/18/72-73/पी एल एस (ए)]

जे० एम० बेनर्जी, उप मुख्य निर्यातक

Office of the Chief Controller of Imports & Exports

ORDERS

New Delhi, the 23rd December, 1977

S.O. 60.—M/s. Bokaro Steel Ltd., Calcutta were granted an import licence No. I/AU/1059246/C/XX/46/H 35-36 dated 20-3-73 for Rs. 1,60,550/- (Rupees one lakh sixty thousand five hundred and fifty only). They have applied for the issue of a duplicate Customs Purposes/Exchange Control Purposes copy of the said licence on the ground that the original Custom Purposes/Exchange Control Purposes copy have been lost/misplaced. It is further stated that the original Customs Purposes/Exchange Control copy was registered with the Customs authorities at Calcutta and utilised partly. It was utilised for Rs. 51,596/- and the balance available on it was Rs. 1,08,954/- as on the date of loss/misplacement.

2. In support of this contention the applicant has filed an affidavit. I am accordingly satisfied that the original Customs Purposes/Exchange Control Purposes copy of the said licence have been lost. Therefore in exercise of the powers conferred under Sub-clause 9(cc) of the Imports (Control) Order, 1955 dated 7-12-55 as amended the said original Customs Purposes/Exchange Control Purposes copy of licence No. I/AU/1059246/C/XX/H/46 35-36 dated 20-3-73 issued to M/s. Bokaro Steel Ltd., Calcutta is hereby cancelled.

3. A duplicate Customs Purposes/Exchange Control Purposes copy of the said licence is being issued separately to the licensee.

[No. BSL/18/72-73/PLS(A)]
J. M. BANERJEE, Dy. Chief Controller

उद्योग मंत्रालय

(औद्योगिक विकास विभाग)

नई दिल्ली, 26 दिसम्बर, 1977

का० आ० 61.—पेटेंट्स अधिनियम, 1970 (1970 का 39) की धारा 152 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उपर्युक्त धारा के प्रयोजनार्थ निदेशक, क्षेत्रीय अनुसंधान प्रयोगशाला, केनाल रोड, जम्मू की नियुक्ति करती है तथा भारत सरकार के भूतपूर्व उद्योग एवं नागरिक पूर्ति मंत्रालय (औद्योगिक विकास विभाग) की अधिसूचना का०आ० सं० 2819 दिनांक 29 जुलाई, 1975 में निम्नलिखित संशोधन करती है, नामतः—

उक्त अधिसूचना में जम्मू और काश्मीर सम्बन्धी मद संख्या 6 के द्वितीय कालम की विद्यमान प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि की जाएगी—

“निदेशक, क्षेत्रीय अनुसंधान प्रयोगशाला,
केनाल रोड, जम्मू।”

[का० सं० 18(22)/74-पी० पी० एण्ड सी०]

पी० चंद्रन, उप सचिव

MINISTRY OF INDUSTRY

(Department of Industrial Development)

New Delhi, the 26th December, 1977

S.O. 61.—In exercise of the powers conferred by section 152 of the Patents Act 1970 (39 of 1970), the Central Government hereby appoints the Director, Regional Research Laboratory, Canal Road, Jammu, for the purpose of the said section, and makes the following amendment in the notification of the Government of India, in the late Ministry of Industry and Civil Supplies, (Deptt. of Industrial Development) No. S.O. 2819 dated the 29th July, 1975, namely:—

In the said notification, under item 6, relating to Jammu & Kashmir, for the existing entry in the second column, the following entry shall be substituted, namely:

“The Director, Regional Research Laboratory, Canal Road, Jammu”.

[F. No. 18(22)/74-PP&C]

P. R. CHANDRAN, Dy. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

कार्यालय उप (निदेशक केन्द्रीय सरकार स्वास्थ्य योजना)

(सतर्कता सेल स्था० 2)

आदेश

नई दिल्ली, 21 जुलाई, 1977

का० आ० 62.—केन्द्रीय सरकार स्वास्थ्य योजना के अंतर्गत प्रयोगशाला तकनीशियन के रूप में नियुक्त कर्मचारी श्रीमती मनजीत भाटिया 2-7-74 से अनियमित तथा अनधिकृत रूप से ह्यूटी से अनुपस्थित हैं।

अपने कर्तव्य के प्रति निष्ठा न रखने के कारण श्रीमती मनजीत भाटिया को केन्द्रीय सिविल सेवाएं (वर्गीकरण, नियंत्रण तथा श्रृंखला) नियमावली, 1965 के सेजर पेनाल्टी रूल 14 के अंतर्गत आरोप-पत्र

(चार्ज शीट) जारी किया गया था, देखिए इस कार्यालय का 5-3-77 का कार्यालय ज्ञापन सं० 5-42/76-स्था०-2 (बी० सी०)।

20-5-77 को मनोनीत जांच अधिकारी ने श्रीमती मनजीत भाटिया द्वारा दिए गए पत्र पर नोटिस भेजकर उसके अंतर्गत उनके विरुद्ध एक मौखिक विभागीय जांच प्रारम्भ की। परन्तु श्रीमती मनजीत भाटिया इस जांच में उपस्थित नहीं हुईं। ऐसी परिस्थितियों में जांच अधिकारी ने श्रीमती भाटिया के विरुद्ध एकपक्षीय मौखिक जांच की। जांच अधिकारी ने यह पाया कि उपर्युक्त आरोप पत्र में जो आरोप लगाए गए थे वे पर्याप्त लिखित साक्ष्य के आधार पर सही सिद्ध हुए। जांच अधिकारी के निष्कर्षों से सहमत होकर श्रीमती भाटिया के अनधिकृत रूप से ह्यूटी से लगातार अनुपस्थित रहने को ध्यान में रखते हुए अनुशासनिक अधिकारी उसे सेवा से निकाल दिए जाने का दण्ड देने के निर्णय पर पहुंचे। इसके अनुसार श्रीमती भाटिया को सेवा से निकाल दिए जाने के अपने विचार की घोषणा करते हुए अनुशासनिक अधिकारी ने कारण बताओ नोटिस जारी किया, देखिए इस कार्यालय का 16-6-77 का कार्यालय ज्ञापन सं० 5-42/76-स्था० अनु०-2 (बी० सी०)।

श्रीमती भाटिया ने उक्त कारण बताओ नोटिस में अर्पित मामले के संबंध में कोई अभिवेदन प्रस्तुत नहीं किया। इस बात से यह भ्रष्टी तरह प्रमाणित हो जाता है कि उन्हें इस संबंध में कुछ नहीं कहना है और वे केन्द्रीय सरकार स्वास्थ्य योजना में कार्यरत नहीं रहना चाहती। अतः इसके अनुसार निम्नहस्ताक्षरकर्ता जो इस मामले के अनुशासनिक अधिकारी हैं, केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और प्रपील) नियमावली 1965 के नियम 12 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सिविल सेवा में (वर्गीकरण, नियंत्रण तथा प्रपील) नियमावली 1965 के नियम 11 के अंतर्गत श्रीमती मनजीत भाटिया, प्रयोगशाला तकनीशियन को केन्द्रीय सरकार स्वास्थ्य योजना के अधीन सेवा से तुरंत हटाने के लिए आदेश पारित करते हैं।

[सं० 5-42 76- स्था० 2 (बी० सी०)]

डा० लक्ष्मीवत जोशी, उप निदेशक

MINISTRY OF HEALTH AND FAMILY WELFARE

Vigilance Cell Estt. II

(Office of the Deputy Director Central Government Health Scheme)

ORDER

New Delhi, the 21st July, 1977

S.O. 62.—Smt. Manjeet Bhatia employed as a Laboratory Technician under the Central Government Health Scheme has been absenting herself from duty in an irregular and unauthorised manner since 2-7-74.

For showing lack of devotion to duty, Smt. Manjeet Bhatia was served with Chargesheet under Major Penalty Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 vide this Office Memo. No. 5-42/76-Estt. II (V. C.) dated 5-3-77.

The Enquiry Officer, nominated on 20-5-77, held departmental oral enquiry against Smt. Manjeet Bhatia under notice sent to her at the addresses furnished by her. But Smt. Manjeet Bhatia failed to appear at the enquiry. In the circumstances the Enquiry Officer held the oral enquiry against Smt. Bhatia Ex-Parte. The Enquiry Officer found the charges levelled against Smt. Bhatia in the Chargesheet mentioned above as proved on sufficient documentary evidences. Concurring with the findings of the Enquiry Officer, the Disciplinary Authority provisionally came to the conclusion to impose on the said Smt. Manjeet Bhatia, the penalty of removal from service in view of her continued unauthorised absence from duty. Accordingly, he issued a Show Cause Notice declaring his intention to remove Smt. Manjeet Bhatia from service vide this Office Memo. No. 5-42/76-E.II(VC) dt. 16-6-77.

Smt. Manjeet Bhatia failed to submit a representation in the matter as required in the said Show Cause Notice. This fact abundantly reveals that Smt. Bhatia has nothing to say in the matter and she is not willing to continue in the service of the C.G.H. Scheme. Accordingly, the undersigned who is the Disciplinary Authority in the instant case in exercise of powers conferred under Rule 12 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 passes order for the Removal of Smt. Manjeet Bhatia, Laboratory Technician from service under the Central Government Health Scheme with immediate effect under Rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965.

[No. 5-42/76-Estt. II (V.C.)]

DR. L. D. JOSHI, Dy. Director

(स्वास्थ्य विभाग)

नई दिल्ली, 24 दिसम्बर, 1977

का० आ० 63.—अखिल भारतीय आयुर्विज्ञान संस्थान नियम, 1958 के साथ पठित अखिल भारतीय आयुर्विज्ञान संस्थान अधिनियम, 1956 (1956 का 25) की धारा 4 के खण्ड (अ) के अनुसरण में केन्द्रीय सरकार एतद्वारा निम्नलिखित व्यक्तियों को अखिल भारतीय आयुर्विज्ञान संस्थान, नई दिल्ली का सचिव मनोनीत करती है, अर्थात् :—

1. डा० (श्रीमती) लीला राम कुमार
प्रोफेसर बाल चिकित्सा विज्ञान,
डीन, फैकल्टी आफ मेडिसिन तथा प्रधानाचार्य गवर्नमेंट मेडिकल कालेज, पटियाला।
2. डा० जी० एस० सेनानी,
डीन तथा प्रधानाचार्य, फैकल्टी आफ मेडिसिन,
पूना विश्वविद्यालय, पूना-7।
3. प्रोफेसर प्रार० एन० नाथ,
प्रधानाचार्य, एम० के० सी० जी० मेडिकल कालेज,
बरहामपुर-7 (उड़ीसा)।
4. डा० के० बी० कृष्णदास,
निदेशक एवं प्रोफेसर आफ मेडिसिन,
मेडिकल कालेज, त्रिवेन्द्रम।

[सं० बी० 16011/1/76-एम० ई० (पी०जी)]

(Department of Health)

New Delhi, the 24th December, 1977

S.O. 63.—In pursuance of clause (f) of section 4 of the All India Institute of Medical Sciences Act, 1956, (25 of 1956) read with rule 3 of the All India Institute of Medical Sciences Rules, 1958 the Central Government hereby nominates the following persons to be members of the All-India Institute of Medical Sciences, New Delhi, namely :—

1. Dr. (Mrs.) Leila Rama Kumar,
Prof. of Paediatrics, Dean,
Faculty of Medicine and
Principal, Government Medical
College, Patiala.
2. Dr. G. S. Sainani,
Dean and Principal of Faculty of Medicine,
University of Poona, Poona-7.
3. Prof. R. N. Nath,
Principal, M.K.C.G. Medical College,
Berhampur-7 (Orissa).
4. Dr. K. V. Krishna Dass,
Director and Professor of Medicine,
Medical College, Trivandrum.

[No. V. 16011/1/76-M.E. (PG)]

का० आ० 64.—अखिल भारतीय आयुर्विज्ञान संस्थान अधिनियम, 1956 (1956 का 25) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा स्वास्थ्य और परिवार कल्याण मंत्री श्री राजनारायण को अखिल भारतीय आयुर्विज्ञान संस्थान, नई दिल्ली को अध्यक्ष मनोनीत करती है।

[सं० बी० 16011/1/76-एम० ई० (पीजी)]

S.O. 64.—In exercise of the powers conferred by section (1) of Section 7 of the All India Institute of Medical Sciences Act, 1956 (25 of 1956), the Central Government hereby nominates Shri Raj Narain, Minister for Health and Family Welfare to be the President of the All India Institute of Medical Sciences, New Delhi.

[No. V. 16011/1/76-M.E. (PG)]

का० आ० 65.—अखिल भारतीय आयुर्विज्ञान संस्थान अधिनियम, 1956 (1956 का 25) की धारा 4 के खण्ड (इ) के अनुसरण में केन्द्रीय सरकार एतद्वारा निम्नलिखित व्यक्तियों को अखिल भारतीय आयुर्विज्ञान संस्थान, नई दिल्ली का सदस्य मनोनीत करती है, अर्थात् :—

1. श्री प्रेमनाथ, वित्त मंत्रालय के प्रतिनिधि संयुक्त सचिव (वित्तीय सलाहकार) स्वास्थ्य और परिवार कल्याण मंत्रालय।
2. श्री एच. एस० साहनी, शिक्षा एवं समाज कल्याण मंत्रालय के प्रतिनिधि संयुक्त शिक्षा सलाहकार, शिक्षा एवं समाज कल्याण मंत्रालय।

[सं० बी० 16011/1/76-एम० ई० (पीजी)]

S.O. 65.—In pursuance of clause (d) of section 4 of the All India Institute of Medical Sciences Act, 1956 (25 of 1956), the Central Government hereby nominates the following persons to be members of the All India Institute of Medical Sciences, New Delhi, namely :—

1. Shri Prem Nath, Joint Secretary (Financial Adviser), Ministry of Health and Family Welfare.—Representative of the Ministry of Finance.
2. Shri H. S. Shahani, Joint Educational Adviser, Ministry of Education and Social Welfare.—Representative of Ministry of Education and Social Welfare.

[No. V. 16011/1/76-M.E. (PG)]

का० आ० 66.—अखिल भारतीय आयुर्विज्ञान संस्थान अधिनियम, 1956 (1956 का 25) की धारा 4 के खण्ड (इ) के अनुसरण में केन्द्रीय सरकार एतद्वारा श्री बी० रामचन्द्र राव, उपाध्यक्ष, विश्वविद्यालय अनुदान आयोग, इंडियन साइंस कांग्रेस एसोसिएशन के गैर-व्यवसायिक वैज्ञानिक प्रतिनिधि तथा निम्नलिखित व्यक्तियों को अखिल भारतीय आयुर्विज्ञान संस्थान, नई दिल्ली का सदस्य मनोनीत करती है, अर्थात् :—

1. श्री राजनारायण, स्वास्थ्य और परिवार कल्याण मंत्री।
2. श्री राजेश्वर प्रसाद, सचिव, स्वास्थ्य और परिवार कल्याण मंत्रालय।
3. डा० पी० गिद्या रेड्डी, निदेशक, नेत्र विज्ञान तथा प्रोफेसर, स्नातकोत्तर अध्ययन, नेत्र विज्ञान संस्थान और सरोजिनी देवी नेत्र अस्पताल, हैदराबाद।

4. डा० एम० एस० धर, कुसपति, बनारस हिन्दू विश्वविद्यालय, वाराणसी।

[सं० बी० 16011/1/76-एम० ई० (पीजी)]

पी० सी० जैन, डेस्क अधिकारी

S.O. 66.—In pursuance of clause (e) of section of the All-India Institute of Medical Sciences Act, 1956 (25 of 1956), the Central Government hereby nominates Shri B. Ramachandra Rao, Vice Chairman, University Grants Commission, a non-medical scientist, representative of the Indian Science Congress Association and the following persons to be members of the All India Institute of Medical Sciences, New Delhi, namely :—

1. Shri Raj Narain, Minister for Health and Family Welfare,
2. Shri Rajeshwar Prasad, Secretary, Ministry of Health and Family Welfare.
3. Dr. P. Siva Reddy, Director of Ophthalmology and Professor of Post-Graduate studies, Institute of Ophthalmology, Sarojini Devi Eye Hospital, Hyderabad.
4. Dr. M. L. Dhar, Vice-Chancellor, Banaras Hindu University, Varanasi.

[No. V. 16011/1/76-M.E. (PG)]

P. C. JAIN, Desk Officer

नागरिक पूर्ति और सहकारिता मंत्रालय

नई दिल्ली, 15 दिसम्बर, 1977

का० आ० 67.—राष्ट्रीय सहकारी विकास निगम अधिनियम, 1962 (1962 का 26) की धारा 8 (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने राष्ट्रीय सहकारी विकास निगम के परामर्श से राजस्थान सरकार के संबंध में भारतीय प्रशासन सेवा के अधिकारी, श्री बी० बी० एल० माथुर को 3 नवम्बर, 1977 के दोपहर के पहले से आगे और आदेश होने तक के लिए प्रतिनियुक्ति आधार पर राष्ट्रीय सहकारी विकास निगम के प्रबन्ध निदेशक के पद पर नियुक्त किया है।

[संख्या पी-1310/75-स्थापना]

के० एस० बाजवा, प्रवर सचिव

MINISTRY OF CIVIL SUPPLIES AND COOPERATION

New Delhi, the 15th December, 1977

S.O. 67.—In exercise of the powers conferred by Section 8(1) of the National Cooperative Development Corporation Act, 1962 (No. 26 of 1962), the Central Government in consultation with the N.C.D.C. have appointed Shri V.B.L. Mathur, an I.A.S. Officer of the cadre of Rajasthan Government as Managing Director of National Cooperative Development Corporation, New Delhi with effect from the forenoon of 3rd November, 1977 on deputation basis until further orders.

[No. P. 1310/75-Estt.]

K. S. BAIWA, Under Secy.

नई दिल्ली, 22 दिसम्बर, 1977

का० आ० 68.—केन्द्रीय सरकार, अधिम संविद्या (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 5 के अधीन रोहतक कृष्णा ट्रेडिंग कम्पनी लिमिटेड, रोहतक द्वारा मान्यता के नवीकरण के लिए किए गए आवेदन पर बायदा बाजार आयोग के परामर्श से विचार करके

और यह समाधान हो जाने पर कि ऐसा करना व्यापार के हित में और लोकहित में भी होगा, एतद्वारा उक्त अधिनियम की धारा 6 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त कम्पनी को गुड की अधिम संविदाओं के बारे में 28 दिसम्बर, 1977 से 27 दिसम्बर, 1978 (जिसमें ये दोनों दिन भी सम्मिलित हैं) की एक वर्ष की अतिरिक्त कालावधि के लिए माय्यता प्रदान करती है।

2. एतद्वारा प्रदत्त माय्यता इस शर्त के अध्याधीन है कि उक्त कम्पनी ऐसे निदेशों का अनुपालन करेगी जो बायदा बाजार प्रायोग द्वारा समय-समय पर दिए जाएं।

फिल संख्या 12(21)-आई०टी०/77]

बी० श्रीनिवासन, उप सचिव

New Delhi, the 22nd December, 1977

S.O. 68.—The Central Government, in consultation with the Forward Markets Commission, having considered the application for renewal of recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by the Rohtak Krishna Trading Company Ltd., Rohtak, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by Section 6 of the said Act, recognition to the said company for a further period of one year from the 28th December, 1977 to the 27th December, 1978 (both days inclusive) in respect of forward contracts in gur.

2. The recognition hereby granted is subject to the condition that the said company shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[F. No. 12(21)-IT/77]

V. SRINIVASAN, Dy. Secy.

भारतीय मानक संस्था

नई दिल्ली, 1977-12-19

क्रा० आ० 69.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन विज्ञान) विनियम 1955 के विनियम 4 के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि उक्त विनियम (3) के उपविनियम (1) के अनुसार प्राप्त अधिकारों के अधीन यहाँ अनुसूची में दिए भारतीय मानकों के संशोधन जारी किए गए हैं।

अनुसूची

क्रम संशोधित मानक की पदसंख्या और संख्या	शीर्षक	जिस राजपत्र में भारतीय मानक के तैयार होने की सूचना छपी थी उसकी संख्या और शीर्षक	संशोधन की संख्या और तिथि	संशोधन का संक्षिप्त विवरण	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)	(6)
1.	IS: 1165-1976 दूध पाउडर की विशिष्टि (दूसरा पुनरीक्षण)	—	संख्या 1 अक्टूबर, 1977	(i) (पृष्ठ 6, खण्ड 4.1.1 पैरि 2) — 'उच्च घनत्व वाली दूधाहलीन' के स्थान पर 'निम्न घनत्व वाली-दूधाहलीन' कर ली जाए। (ii) (पृष्ठ 6, खण्ड 4.1.1 पैरि 4 और 6) — '150' और '90' संख्याओं के स्थान पर '80 से कम नहीं' कर ली जाए। (iii) खण्ड 4.2 (डी) की वर्तमान सामग्री के स्थान पर नयी सामग्री दी गयी है। (iv) खण्ड 2.1.1, 2.1.2 और 2.1.3 के बाद क्रमशः खण्ड 2.1.1.1, 2.1.2.1 और 2.1.3.1 जोड़े गए हैं। (v) मारणी 1 का संशोधन किया गया है और खण्ड के अन्त में पाद-टिप्पणी भी जोड़ी गई है। (vi) (पृष्ठ 6, खण्ड 4.1.1, पहला वाक्य) — पहले वाक्य के बाद निम्न-लिखित वाक्य जोड़ ली जाए: 'कोई डोरी अथवा रबड़ का छल्ला बांधकर पैली को अच्छी तरह बन्ध कर दिया जाना चाहिए'। (vii) [पृष्ठ 7, खण्ड 4.2 (एफ)] — (एफ) के बाद निम्नलिखित नया खण्ड जोड़ ली जाए: (जी) लगभग कुल भार।	1977-10-01

1	2	3	4	5	6
2.	IS : 3976-1975 खनिकों के लिए टखने तक के रबड़ कैनवस के सुरक्षा बूटों की विशिष्टि (पहला पुनरीक्षण)	एस प्रो 463 दिनांक 1976-01-24	संख्या 3 दिसम्बर, 1977	(i) खण्ड 2.4 के स्थान पर नया खण्ड दिया गया है। (ii) (पृष्ठ 7, उपखण्ड 2.5.1)— वर्तमान खण्ड के स्थान पर निम्नलिखित कर लीजिए : 'बूट ऐसे सांचे में बनाए जाएंगे जो IS : 7329-1974* के अनुरूप हों।' (iii) खण्ड 4.5.1.1 (देखिए पृष्ठ 2 संशोधन संख्या 1) पंक्ति 14— ये शब्द जोड़ लीजिए : 'हस्तात पीतल के नाके के भागों 'IS : 6021-1971† के खण्ड 2.2.9 के अनुरूप नाके।' (iv) [खण्ड 4.6.1.1 (देखिए पृ० 3, संशोधन संख्या 1) पंक्ति 16]— 'जीभी के नीचे पूरा' के स्थान पर 'जीभी के नीचे आधा' शब्द कर लीजिए। (v) [खण्ड 4.8 (देखिए पृ० 3 संशोधन संख्या 1)]—खण्ड 4.8 के बाद निम्नलिखित नया वाक्य जोड़िए : 'खण्ड 4.9 टांग की ऊंचाई— टाइप 2 बूट की टांग की कुल ऊंचाई साइज 8 के लिए 95± मिमी और फिर आगे हर साइज के लिए 1.5 मिमी कम या अधिक होगी।	1977-12-31
3.	IS : 8170-1977 निर्यात के लिए सैथार चमड़ों की पहिचान सम्बन्धी मार्गदर्शिका (पहला पुनरीक्षण)	—	संख्या 1 सितम्बर 1977	(i) (पृष्ठ 5, खण्ड 3.4)—हटा दीजिए। (ii) (पृष्ठ 5, सारणी 1, शीर्षक के नीचे का खण्ड उल्लेख)—वर्तमान सामग्री के स्थान पर निम्नलिखित कर लीजिए : '(खण्ड 3.1, 3.2, 3.2.1 और 3.3)' (iii) खण्ड 3.2 के बाद खण्ड 3.2.1 जोड़ा गया है।	1977-09-30

*रबड़ कैनवस के टखने तक के सुरक्षा बूटों के धातु के सांचे।

†बांधने के पट्टे का सामान और रंगे रिम वाले, 6.6 मिमी के नाके, बाहर सहित अथवा रहित।

इन संशोधनों की प्रतियाँ भारतीय मानक संस्था, मानक भवन, 9 बहादुरशाह जफर मार्ग, नई दिल्ली तथा इसके शाखा कार्यालयों: अहमदाबाद, बंगलौर, बम्बई, कलकत्ता, चण्डीगढ़, हैदराबाद, कानपुर, मद्रास, पटना और त्रिवेन्द्रम में उपलब्ध हैं।

INDIAN STANDARDS INSTITUTION

New Delhi, the 1977-12-19

S.O. 69.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution, hereby, notifies that amendment (s) to the Indian Standard(s) given in the schedule hereto annexed have been issued the powers conferred by the sub-regulation (1) of Regulation 3 of the said Regulations.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. and Date of Gazette Notification in which the establishment of the Indian Standard was notified	No. and Date of the Amendment	Brief particulars of the Amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)	(5)	(6)
1.	IS: 1165—1975 Specification for milk powder (second revision)	—	No. 1 Oct. 1977	(i) (Page 6, clause 4.1.1, line 2)—Substitute 'low density polyethylene' for 'high density polyethylene'. (ii) (Page 6, clause 4.1.1, lines 4 and 6)—Substitute 'not less than 80' for the figures '150' and '90'. (iii) Existing matter of clause 4.2 (d) has been substituted by a new one. (iv) Clause 2.1.1.1, 2.1.2.1 and 2.1.3.1 have been added after clauses 2.1.1, 2.1.2 and 2.1.3, respectively. (v) Table 1 has been amended and a footnote has also been added at the end of the clause. (vi) (Page 6, clause 4.1.1, first sentence)—Add the following sentence after the first sentence: "The bags should be properly closed by tying with a string or a rubber band". (vii) [Page 7, clause 4.2 (f)] —Add the following new clause after (f): "(g) Approximate gross mass."	1977-10-01
2.	IS: 3976—1975 Specification for safety rubber canvas ankle boots for miners (first revision)	S.O. 463 dated 1976-01-24	No. 3 May 1977	(i) Clause 2.4 has been substituted by a new one. (ii) (Page 7, Sub-clause 2.5.1)—Substitute the following for the existing clause: "The boots shall be made on the last conforming to. IS : 7329—1974†" (iii) [Clause 4.5.1.1 (see page—2 of Amendment No. 1), line 14]—Add the words: or eyelets conforming to 2.2.9 of IS: 6021—1971 £ after the words "steel brass eyelets". (iv) [Clause 4.5.1.1 (see page 3 of Amendment No. 1), line 16]—Substitute the words "half below tongue" for the words "full below tongue". (v) [Clause 4.8 (see page 3 of Amendment No. 1)]—Add a new clause after 4.8 as follows: "4.9 Leg Height—The total leg height of the boots, type 2, shall be 95 ± 1 mm for size 8 with an increase or decrease of 1.5 mm for each size."	1977-05-31

†Metal lasts for safety rubber-canvas ankle boots.

£Web-equipment and 6.6 mm eyelets, painted rim with or without washer.

1	2	3	4	5	6
3. IS: 8170-1977 Guide-lines for identification of finished leathers for export (first revision)	—	No. 1 Sep. 1977	(i) (Page 5, clause 3.4)—Delete. (ii) (Page 5, Table 1, clause reference under the caption)—Substitute the following for the existing matter: '(Clause 3.1, 3.2, 3.2.1 and 3.3)', (iii) Clause 3.2.1 has been added after clause 3.2	1977-09-30	



Copies of these amendments are available with the Indian Standards Institution, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and also from its branch office at Ahmedabad, Bangalore, Bombay, Calcutta, Chandigarh, Hyderabad, Kanpur, Madras Patna and Trivandrum.

[No. CMD 13 : 5]

का० आ० 70.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) नियम 1955 के नियम 4 के उपविनियम (1) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि संस्था ने कुछ मानक चिह्न निर्धारित किए हैं जिनकी डिजाइन, शाब्दिक विवरण तथा भारतीय मानक के शीर्षक सहित अनुसूची में दिए गए हैं।

भारतीय मानक संस्था (प्रमाणन चिह्न) अधिनियम, 1952 और उसके अधीन बने नियमों के निमित्त ये मानक चिह्न उनके अंगे दी गई तिथियों से लागू होंगे।

अनुसूची



क्रम संख्या	मानक चिह्न के डिजाइन	उत्पाद/उत्पाद की श्रेणी	तत्सम्बन्धी भारतीय मानक की संख्या और शीर्षक	मानक के डिजाइन का शाब्दिक विवरण	लागू होने की तिथि
1. IS: 920 		पशुओं के खाने का साधारण नमक और चाटने का नमक का डेला	IS: 920-1972 पशुओं के खाने का साधारण नमक और चाटने के नमक के डेले की विशिष्टि (पहला पुनरीक्षण)	भारतीय मानक संस्था का मोनोग्राम जिसमें ISI शब्द होते हैं, स्तम्भ (2) में दिखाई गई शैली और अनुपात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोग्राम के ऊपर की ओर भारतीय मानक की पदसंख्या दी गई है।	1977-05-01
2. IS: 6047 		प्रक्षालक पाउडर	IS: 6047-1970 प्रक्षालक पाउडर की विशिष्टि	भारतीय मानक संस्था का मोनोग्राम जिसमें ISI शब्द होते हैं, स्तम्भ (2) में दिखाई गई शैली और अनुपात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोग्राम के ऊपर की ओर भारतीय मानक की पदसंख्या दी गई है।	1977-10-01

[सं० सी एस डी/13: 9]

S.O. 70.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark(s), design(s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standard(s) are given in the Schedule hereto annexed, have been specified.

These Standard Mark(s) for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from the dates shown against each:

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark	Date of effect
1. IS: 920		Common salt and cattle licks for animal consumption	IS: 920—1972 Specification for common salt and cattle licks for animal consumption (first revision)	The monogram of the Indian Standards Institution, consisting of letters 'ISI' drawn in the exact style and relative proportions as indicated in Col (2); the number of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	1977-05-01
2. IS: 6047		Securing powders	IS: 6047—1970 Specification for scouring powders	The monogram of the Indian Standards Institution, consisting of letters 'ISI' drawn in the exact style and relative proportions as indicated in Col (2); the number of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	1977-10-01

[No. CM/D 13 : 9]

क्र० आ० 71—भारत के राजपत्र भाग II खण्ड 3 उपखण्ड (ii) दिनांक 1972-10-07 में प्रकाशित तत्कालीन औद्योगिक विकास मंत्रालय (भारतीय मानक संस्था) अधिसूचना संख्या एस०आर० 2767 का अधिक्रमण करते हुए भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि बेरियम कार्बोनेट की प्रति इकाई मुहर लगाने की फीस में परिवर्तन किया गया है।

यह परिवर्तित मुहर लगाने की फीस जिसके ब्यौरे नीचे अनुसूची में दिए गए हैं 1977-12-01 से लागू होंगी।

अनुसूची

क्रम संख्या	उत्पाद/उत्पाद की श्रेणी	तत्सम्बन्धी मानक की पदसंख्या और शीर्षक	इकाई	मुहर लगाने की प्रति इकाई फीस
1.	अवक्षिप्त बेरियम कार्बोनेट, तकनीकी	IS : 3205-1965 अवक्षिप्त बेरियम कार्बोनेट, तकनीकी की विशिष्टि	एक मीटरी टन	(1) प्रथम 1000 इकाइयों के लिए रु० 2.50 प्रति इकाई। (2) 1001वीं और ऊपर की इकाइयों के लिए रु० 1.50 प्रति इकाई।

[सं० सी एम डी/13 : 10]

S.O. 71.—In supersession of the then Ministry of Industrial Development (Indian Standards Institution) notification number S.O. 2767 dated 1972-07-04, published in the Gazette of India, Part-II, Section-3, Sub-section (ii) dated 1972-10-07, the Indian Standards Institution, hereby, notifies that the marking fee per unit for barium carbonate, has been revised.

The revised rate of marking fee, details of which are given in the following Schedule, shall come into force with effect from 1977-12-01

SCHEDULE

Sl. No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
1.	Precipitated barium carbonate, technical	IS : 3205—1965 Specification for precipitated barium carbonate, technical	One Tonne	(i) Rs. 2.50 per unit for the first 1000 units and (ii) Rs. 1.50 per unit for the 1001st unit and above

[No. CMD/13:10]

क्र० आ० 72—भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 1955 के विनियम 7 के उपविनियम (2) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि विभिन्न वस्तुओं की प्रति इकाई मुहर लगाने की फीस अनुसूची में दिए गए ब्यौरे के अनुसार निर्धारित की गई है और ये फीस प्रत्येक वस्तु के आगे दी गई तिथि(यों) से लागू होंगी।

अनुसूची

क्रम संख्या	उत्पाद/उत्पाद की श्रेणी	तत्सम्बन्धी मानक की संख्या और शीर्षक	इकाई	प्रति इकाई मुहर लगाने की फीस	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)	(6)
1.	पशुओं के खाने का साधारण नमक और चाटने का नमक का ढेला	IS: 920-1972 पशुओं के खाने के साधारण नमक और चाटने के नमक के ढेले की विशिष्टि (पहला पुनरीक्षण)	एक मीटरी टन	रु० 2.00	1977-05-01
2.	प्रक्षालक पाउडर	IS: 6047-1970 प्रक्षालक पाउडर की विशिष्टि	एक मीटरी टन	रु० 20.00	1977-10-01

[सं० सी एम डी/13: 10]

S.O. 72.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations 1955, the Indian Standards Institution, hereby, notifies that the marking fee(s) per unit for various products details of which are given in the Schedule hereto annexed, have been determined and the fee(s) shall come into force with effect from the dates shown against each:

SCHEDULE

Sl. No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit	Date of effect
1	2	3	4	5	6
1.	Common salt and cattle licks for animal consumption	IS: 920—1972 Specification for common salt and cattle licks for animal consumption (first revision)	One Tonne	Rs. 2.00	1977-05-01
2.	Scouring powders	IS: 6047—1970 Specification for scouring powders	One Tonne	Rs 20.00	1977-10-01

[No. CMD/13:10]

नई दिल्ली, 1977-12-23

क्र० आ० 73.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन बिज्ञान) विनियम 1955 के विनियम 14 के उपविनियम (4) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि लाइसेंस संख्या सीएमएस/4891 जिसके ब्योरे नीचे अनुसूची में दिए गए हैं, फर्म का नाम बदल जाने के कारण 77-09-01 से रद्द कर दिया गया है।

अनुसूची

क्रम संख्या	लाइसेंस संख्या और तिथि	लाइसेंसधारी का नाम और पता	रद्द किए गए लाइसेंस के अधीन वस्तु/प्रक्रिया	तत्सम्बन्धी भारतीय मानक
(1)	(2)	(3)	(4)	(5)
1.	सीएम/एस-4891 1975-12-12	सर्वश्री गवर्नमेंट टैन्डरो गांव-सार्गीगुडा, डाकघर टिटलागढ़, जिला बालनगिर ओड़िशा	उपल्ले का फुल क्रोम चमड़ा	IS: 578-1977 उपल्ले के फुल क्रोम चमड़े की विशिष्टि (दूसरा पुनरीक्षण)

[संख्या सीएमडी/55: 4891]

New Delhi, 1977-12-23

S.O. 73.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks), Regulations 1955 as amended from time to time, the Indian Standards Institution hereby notifies that Licence No. CM/L-4891 particulars of which are given below has been cancelled with effect from 77-09-01 due to change in the name of the licensee:

SCHEDULE

Sl. No.	Licence No. and Date	Name & Address of the Licensee	Article/Process Covered by the Licensees Cancelled	Relevant Indian Standards
1	2	3	4	5
	CM/L-4891 1975-12-12	M/s. Government Tannery, Village Sargiguda, P.O. Titlagarh, Balangir Distt. Orissa State	Full chrome upper leather	IS : 578-1971 Specification for full chrome upper leather (Second Revision).


[No. CMD/55 : 4891]

नई दिल्ली, दिनांक 1977-12-27

क्र० आ० 74— भारत के राजपत्र भाग II खण्ड 3 उपखण्ड (ii) दिनांक 1975-08-02 के अन्तर्गत प्रकाशित सरकारी उद्योग तथा नागरिक पूर्ति (भारतीय मानक संस्था) अधिसूचना संख्या एसओ 2451 दिनांक 1975-07-07 के आशिक संशोधन स्वरूप भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि चिनगाही दहन इंजन सम्बन्धी मानक चिह्न में परिवर्तन किया गया है। मानक चिह्न की परिवर्तित डिजाइन शाब्दिक विवरण तथा भारतीय मानक के शीर्षक सहित अनुसूची में दी गई है।

भारतीय मानक संस्था (प्रमाणन चिह्न) अधिनियम, 1952 और उसके अधीन बने नियमों और विनियमों के निमित्त यह मानक चिह्न 1977-12-01 से लागू होगा।

अनुसूची

क्रम संख्या	मानक चिह्न की डिजाइन	उत्पाद/उत्पाद की श्रेणी	सम्बन्धी भारतीय मानक की संख्या और शीर्षक	मानक की डिजाइन का शाब्दिक विवरण
(1)	(2)	(3)	(4)	(5)
1.		छोटे आकार के चिनगाही दहन इंजनों की कार्यप्रवृत्ति	IS : 7347-1974 छोटे आकार के चिनगाही दहन इंजनों की कार्य प्रवृत्ति विनिर्दिष्ट	भारतीय मानक संस्था का मोनोग्राम जिसमें 'ISI' शब्द होते हैं, स्तम्भ (2) में दिखाई गई बोली और अनुपात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोग्राम के ऊपर की ओर 'केवल इंजन, लिखा रहता है और नीचे की ओर भारतीय मानक की पदसंख्या दी जाती है।


[संख्या सीएमडी/13:9]

New Delhi, the 27th December, 1977

S.O. 74—In partial modification of the then Ministry of Industry and Civil Supplies (Indian Standards Institution) notification number S.O. 2451 dated 1975-07-07 published in the Gazette of India, Part-II, Section-3, Sub-section (ii) dated 1975-08-02, the Indian Standards Institution, hereby notifies that the design of the standard Mark for spark ignition engine has been revised. The revised design of the standard mark together with the title of the relevant Indian Standard and verbal description of the design are given in the following Schedule.

This standard mark for the purposes of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder shall come into force with effect from 1977-12-01 :

SCHEDULE



Sl. No.	Design of the Standard Mark	Products/Class of Product	No. & Title of Relevant Indian Standard	Verbal description of the design of the Standard Mark
1	2	3	4	5
1.		Performance of small size spark ignition engines	IS : 7347-1974 Specification for performance of small size spark ignition engines	The monogram of the Indian Standards Institution consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col (2); the words 'ENGINE ONLY' being superscribed on the top side and the number of the Indian Standard being subscribed under the bottom side of the monogram as indicated in the design.

[No. CMD/13 : 9]

का० प्रा० 75.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) नियम 1955 के नियम 4 के उपविनियम (1) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि संस्था ने कुछ मानक चिह्न निर्धारित किए हैं जिनकी डिजाइन शाब्दिक विवरण तथा भारतीय मानक के शीर्षक सहित अनुसूची में दी गई है।

भारतीय मानक संस्था (प्रमाणन चिह्न) अधिनियम 1952 और उसके अधीन बने नियमों के निमित्त ये मानक चिह्न उनके आगे दी गई तिथियों से लागू होंगे।

अनुसूची



क्रम संख्या	मानक चिह्न की डिजाइन	उत्पाद/उत्पाद की श्रेणी	तत्सम्बन्धी भारतीय मानक की संख्या और शीर्षक	मानक की डिजाइन का शाब्दिक विवरण	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)	(6)
1.		इमली का तेज पाउडर	IS : 5955—1970 इमली के तेज पाउडर की विशिष्टि	भारतीय मानक संस्था का मोनोग्राम जिसमें 'ISI' शब्द होते हैं, स्तम्भ (2) में दिखाई गई शैली और अनुपात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोग्राम के ऊपर की ओर भारतीय मानक की पदसंख्या दी गई है।	1976-09-10
2.		टोक्सोफीन पायसनीय तेज द्रव	IS : 7946—1976 टोक्सोफीन पायसनीय तेज द्रव की विशिष्टि	भारतीय मानक संस्था का मोनोग्राम जिसमें 'ISI' शब्द होते हैं, स्तम्भ (2) में दिखाई गई शैली और अनुपात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोग्राम के ऊपर की ओर भारतीय मानक की पदसंख्या दी गई है।	1977-02-16

[सं० सी एम डी/13 : 9]

S.O. 75.—In pursuance of sub-rule (1) of rule 4 of the Indian Standard Institution (Certification Marks) Rules, 1955 the Indian Standard Institution hereby, notifies that the Standard Mark(s), design(s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standard(s) are given in the Schedule hereto annexed, have been specified.

These Standard Mark(s) for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from the dates shown against each :

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the relevant Indian Standard	Verbal description of the Design of the Standard Mark	Date of effect
1	2	3	4	5	6
1.		Tamarind concentrate	IS: 5955—1970 Specification for tamarind concentrate	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	1976-09-10
2.		Toxaphene emulsifiable concentrates	IS: 7946—1976 Specification for toxaphene emulsifiable concentrates	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	1977-02-16

[No. CMD/13 : 9]

का० आ० 76.—भारतीय मानक संस्था (प्रमाणन विज्ञान) विनियम 1955 के विनियम 7 के उपविनियम (2) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि विभिन्न वस्तुओं की प्रति इकाई मुहर लगाने की फीस अनुसूची में दिए गए ब्यौरे के अनुसार निर्धारित की गई हैं और यह फीस प्रत्येक वस्तु के आगे दी गई तिथि(यों) से लागू होंगी।

अनुसूची

क्रम संख्या	उत्पाद/उत्पाद की श्रेणी	तत्सम्बन्धी मानक की संख्या और शीर्षक	इकाई	प्रति इकाई मुहर लगाने की फीस	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)	(6)
1.	हमली का तेज पाउडर	IS : 5955—1970 हमली के तेज पाउडर की विशिष्टि	एक किलोग्राम	5 पैसे	1976-09-10
2.	टोक्साफीन पायसनीय तेज द्रव	IS : 7946—1976 टोक्साफीन पायसनीय तेज द्रव की विशिष्टि	100 लीटर	₹ 10.00	1977-02-16

[संख्या सी एस डी 1/3:10]

बाई० एस० वेंकटेश्वरन, प्रभार महानिदेशक

S.O. 76.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standard Institution, hereby, notifies that the marking fee(s) per unit for various products details of which are give in the Schedule hereto annexed, have been determined and the fee(s) shall come into force with effect from the dates shown against each:

SCHEDULE

Sl. No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit	Date of effect
1	2	3	4	5	6
1.	Tamarind concentrate	IS : 5955-1970 Specification for tamarind concentrate	One kg.	5 paise	1976-09-10
2.	Toxaphene emulsifiable concentrates	IS : 7946-1976 Specification for toxaphene emulsifiable concentrates	100 litres	Rs. 10.00	1977-02-16

[No. CMD/13 : 10]

Y.S. VENKATESWARAN, Addl. Director General

ऊर्जा मंत्रालय

(विद्युत विभाग)

नई दिल्ली, 26 दिसम्बर, 1977

का० आ० 77.—भारतीय बिजली अधिनियम, 1910 (1910 का 9) की धारा 36 की उपधारा 2(क) के अनुसरण में केन्द्रीय सरकार श्री के० एस० सुब्रह्मण्यम के स्थान पर श्री एस० एस० मूर्ति, सदस्य (विद्युत् पारेषण), केन्द्रीय विद्युत् प्राधिकरण को केन्द्रीय बिजली बोर्ड का अध्यक्ष मनोनीत करती है।

[सं० 1(3)/77-सू०एस०-डेस्क 6]

बी० आर० राव, प्रभार सचिव

MINISTRY OF ENERGY

(Electricity Department)

New Delhi, the 26th December, 1977

S.O. 77.—In pursuance of sub-section 2(a) of Section 36A of the Indian Electricity Act, 1910 (9 of 1910), the Central Government is pleased to nominate Shri S. S. Murthy, Member (Power System), Central Electricity Authority, as Chairman of the Central Electricity Board vice Shri K. S. Subrahmanyam.

[No. 1(3)/77-US DVI]

V. R. RAO, Under Secy.

संचार मंत्रालय

(डाक-तार बोर्ड)

नई दिल्ली, 20 दिसम्बर, 1977

का० आ० 78.—तिरुचीरामपुर टेलीफोन एक्सचेंज व्यवस्था के स्थानीय क्षेत्र में बदली किए जाने की बाबत जित लोगों पर इस परिवर्तन का प्रभाव पड़ने की संभावना है एक सर्वसाधारण सूचना उन सबकी जानकारी के लिए जैसा कि भारतीय सार नियमावली, 1951 के नियम 434 (3) (बीबी) में अपेक्षित है तिरुचीरामपुर में चालू समाचार पत्रों में निकाला गया था और उनसे कहा गया था कि इस बारे में यदि उन्हें कोई आपत्ति हो या उनके कोई सुझाव हों तो वे इस सूचना के प्रकाशित होने की तारीख से 30 दिनों के भीतर भेजने का कष्ट करें।

उक्त सूचना सर्वसाधारण की जानकारी के लिए 4-4-77 को अंग्रेजी दैनिक पत्र दि हिन्दू और 4-4-77 को तमिल दैनिक पत्र दिनामासार में प्रकाशित कराई गई थी।

उक्त सूचना के उत्तर में जनसाधारण से कोई आपत्तियां और सुझाव प्राप्त नहीं हुए।

इसलिए अब उक्त नियमावली के नियम 434 (iii) (बीबी) द्वारा प्रवर्त शक्तियों का प्रयोग करते हुए महानिदेशक, डाक-सार ने घोषित किया

है कि तारीख 15-1-78 से तिरुवरीरामपुर का स्थानीय संगोधित क्षेत्र इस प्रकार होगा :—

तिरुवरीरामपुर टेलीफोन एक्सचेंज व्यवस्था तिरुवरीरामपुर का स्थानीय क्षेत्र बही होगा जो कि तिरुवरीरामपुर टेलीफोन एक्सचेंज से 5 किलोमीटर अरिय दूरी के अन्तर्गत पड़ता है।

[सं० 3-13/74 पी०एच०बी०]

MINISTRY OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 20th December, 1977

S.O. 78.—Whereas a public notice for revising the local area of Tiruverambur Telephone Exchange System was published as required by rule 434(III)(bb) of the Indian Telegraph Rules, 1951 in the newspapers in circulation at Tiruverambur inviting objections and suggestions from all persons likely to be affected thereby, within a period of 30 days from the date of publication of the notice in the Newspapers :

And whereas the said notice was made available to the public on 4-4-77 in the English Daily 'The Hindu' and on 4-4-77 in the Tamil Daily 'Dinamalar'.

And whereas no objections and suggestions have been received from the public on the said notice ;

Now, therefore, in exercise of the power conferred by rule 434(III)(bb) of the said Rules, the Director General Posts and Telegraphs hereby declares that with effect from 15-1-78 the revised local area of Tiruverambur shall be as under :—

Tiruverambur Telephone Exchange System :

The local area of Tiruverambur shall cover an area falling within 5 KMs radial distance from Tiruverambur Telephone Exchange.

[No. 3-13/74-PHB]

का० आ० 79.—त्रिचिरापल्ली, टेलीफोन एक्सचेंज व्यवस्था के स्थानीय क्षेत्र में बवली किये जाने की बाबत जिन लोगों पर इस परिवर्तन का प्रभाव पड़ने की संभावना है एक सर्वसाधारण सूचना उन सबकी जानकारी के लिए जैसा कि भारतीय तार नियमावली 1951 के नियम 434(3) (बीबी) में अपेक्षित है त्रिचिरापल्ली में जाल समाचार पत्रों में निकाशा गया था और उनसे कहा गया था कि इस बारे में यदि उन्हें कोई आपत्ति हो या उनके कोई सुझाव हों तो वे इस सूचना के प्रकाशित होने की तारीख से 30 दिनों के भीतर भेजने का कष्ट करें।

उक्त सूचना सर्वसाधारण की जानकारी के लिए 19-11-75 को अंग्रेजी दैनिक पत्र दि इंडियन एक्सप्रेस, 20-11-75 को समिल दैनिक पत्र दिनामालार और 20-11-75 को तमिल दैनिक पत्र मलाई मुरसू में प्रकाशित कराई गई थी।

उक्त सूचना के उत्तर में जनसाधारण से कोई आपत्तियां या सुझाव प्राप्त नहीं हुए।

इसलिए अब उक्त नियमावली नियम 434(iii)(बीबी) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए महानिदेशक, डाक-तार ने घोषित किया है, कि तारीख 15-1-78 से त्रिचिरापल्ली का स्थानीय संगोधित क्षेत्र इस प्रकार होगा :—

त्रिचिरापल्ली टेलीफोन एक्सचेंज व्यवस्था त्रिचिरापल्ली का स्थानीय क्षेत्र बही होगा जो कि त्रिचिरापल्ली नगर पालिका के अंतर्गत पड़ता है;

किन्तु वे टेलीफोन प्रयोगकर्ता जो कि त्रिचिरापल्ली नगर पालिका सीमा के बाहर स्थित हैं किन्तु जिन्हें त्रिचिरापल्ली टेलीफोन एक्सचेंज व्यवस्था से सेवा प्रदान होती है वे इस व्यवस्था के किसी भी एक्सचेंज

से जब तक 5 कि० मी० दूरी के भीतर स्थित रहेंगे और इस व्यवस्था से जुड़े रहेंगे तब तक स्थानीय शुल्क पर से अदायगी करेंगे।

[सं० 3-13/74 पी०एच०बी०]

पी० एन० कौल, निदेशक फोन(ई)

S.O. 79.—Whereas a public notice for revising the local area of Tiruchirapalli Telephone Exchange System was published as required by rule 434(III)(bb) of the Indian Telegraph Rules, 1951 in the Newspapers in circulation at Tiruchirapalli, inviting objections and suggestions from all persons likely to be affected thereby, within a period of 30 days from the date of publication of the notice in the Newspapers ;

And whereas the said notice was made available to the public on 19-11-1975 in English Daily 'The Indian Express', on 20-11-75 in Tamil Daily 'Dinamalar' and on 20-11-75 in Tamil Daily 'Malai Mursu' ;

And whereas no objections and suggestions have been received from the public on the said notice ;

Now, therefore, in exercise of the power conferred by rule 434(III)(bb) of the said Rules, the Director General Posts and Telegraphs hereby declares that with effect from 15-1-78 the revised local area of Tiruchirapalli shall be as under :—

Tiruchirapalli Telephone Exchange System :

The local area of Tiruchirapalli shall cover an area falling under the jurisdiction of Tiruchirapalli Municipality, provided further that the telephone subscribers located outside Tiruchirapalli Municipal limits but who are served from Tiruchirapalli Telephone System will continue to pay local tariffs as long as they are located within 5 KMs of any exchange of this system and remain connected to it.

[No. 3-13/74-PHB]

P. N. KAUL, Director of Phones(E)

नई दिल्ली 3 जनवरी, 1978

का० आ० 80.—का०आ० सं० 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने मीटर डैम, मीटर स्टेशन टेलीफोन केन्द्रों में दिनांक 1 फरवरी 1978 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-13/77 पी०एच०बी०]

New Delhi, the 3rd January, 1978

S.O. 80.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1-2-1978 as the date on which the Measured Rate System will be introduced in Mettur Dam and Mettur R. S. Telephone Exchanges, Tamil Nadu Circle.

[No. 5-13/77-PHB]

का० आ० 81.—का०आ० संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने कृष्णागिरी टेलीफोन केन्द्र में दिनांक 16-1-78 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-13/77 पी०एच०बी०]

के०बी० मुगदल, सहायक महानिदेशक (पी०एच०बी०)

S.O. 81.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General,

Posts and Telegraphs, hereby specifies the 16-1-1978 as the date on which the Measured Rate System will be introduced in Krishnagiri Telephone Exchange, Tamil Nadu Circle.

[No. 5-13/77-PHB]

K. B. MUDGAL, Asstt. Director Genl.(PHB)

नौवहन और परिवहन मंत्रालय

(परिवहन पक्ष)

नई दिल्ली, 16 दिसम्बर, 1977

(व्यापार पोत)

का० आ० 82.—व्यापार पोत अधिनियम, 1958 की धारा 9 की उपधारा (1-ए) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारत सरकार के नौवहन और परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना सं० सा० आ० 2267 दिनांक 28-6-1967 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की अनुसूची में मद 6 के बाद, निम्नलिखित रखा जाए, अर्थात् :—

“7. भारतीय नौवहन रजिस्टर।”

[का० सं० 5-एम० एस० आर० (14)/77 एम ए-1]

MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

New Delhi, the 16th December, 1977

(Merchant Shipping)

S.O. 82.—In exercise of the powers conferred by sub-section (1A) of Section 9 of the Merchant Shipping Act, 1958

(44 of 1958), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. S. O. 2267, dated the 28th June, 1967, namely :—

In the schedule to the said notification after item 6, the following shall be inserted, namely :—

“7. The Indian Register of Shipping.”

[File No. 5-MSR(14)/77-MAT]

का० आ० 83.—व्यापार पोत अधिनियम, 1958 (1958 का 44) की धारा 461 की उपधारा (3) के खंड (क) के साथ पठित भारतीय व्यापार पोत (भार रेखा) नियम, 1934 के नियम के उपनियम (2) के खंड (ii) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारतीय नौवहन रजिस्टर बम्बई को उक्त नियमों के प्रयोजन के लिए समनुदेशन अधिकरण नियुक्त करती है।

[का० सं० 5-एमएसआर(14)/77-II]

श्रीमती बी० निर्मल, अव्वर सचिव

S.O. 83.—In pursuance of clause (ii) of sub-rule (2) of rule 1 of the Indian Merchant Shipping (Load Line) Rules, 1934 read with clause (a) of sub-section (3) of section 461 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby appoints the Indian Register of Shipping, Bombay, to be an assigning authority for the purposes of the said rules.

[File No. 5-MSR(14)/77-II]

SMT. B. NIRMAL, Under Secy.

संस्कृति विभाग

(भारतीय पुरातत्व सर्वेक्षण)

नई दिल्ली, 23 दिसम्बर, 1977

(पुरातत्व)

का० आ० 84.—केन्द्रीय सरकार की राय है कि इससे संलग्न अनुसूची में विनिर्दिष्ट प्राचीन संस्मारक राष्ट्रीय महत्व का है;

अतः अब, केन्द्रीय सरकार, प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त प्राचीन संस्मारक को राष्ट्रीय महत्व का घोषित करने के अपने आशय की सूचना देती है।

इस अधिसूचना के जारी किए जाने के पश्चात दो मास के भीतर उक्त संस्मारक में हितवृद्ध किसी व्यक्ति द्वारा किए गए किसी आक्षेप पर केन्द्रीय सरकार विचार करेगी।

अनुसूची

राज्य	ज़िला	तहसील	परिक्षेत्र	संस्मारक का नाम/ वर्णन	संरक्षण के अंतर्गत आने वाली राजस्व प्लॉट संख्याएं	क्षेत्र	सीमाएं	स्वामित्व	टिप्पण
1	2	3	4	5	6	7	8	9	10
राजस्थान	भरतपुर	भरतपुर	भरतपुर	पुनः नीचे उद्धृत स्थल रेखांक में यथा वर्णित दुर्ग की दीवार की धरती हुई खड़ी, जिसमें खसरा सं० 1881 का भाग समाविष्ट है।	पुनः नीचे उद्धृत स्थल रेखांक में यथादर्शित खसरा सं० 1881 का भाग	145 बीघे और 11 बिस्वे	बाह्य : उत्तर : खसरा सं० 1881 (भाग) और सड़क। दक्षिण : खसरा सं० 1881 (भाग) और सड़क। पूर्व : खसरा सं० 1881 (भाग) और सड़क। पश्चिम : खसरा सं० 1881 (भाग) और सड़क।	राजस्थान राज्य सरकार	

DEPARTMENT OF CULTURE

(Archaeological Survey of India)

New Delhi the 23rd December, 1977

ARCHAEOLOGY

S.O. 84—Whereas the Central Government is of opinion that the ancient monument specified in the Schedule attached hereto is of national importance;

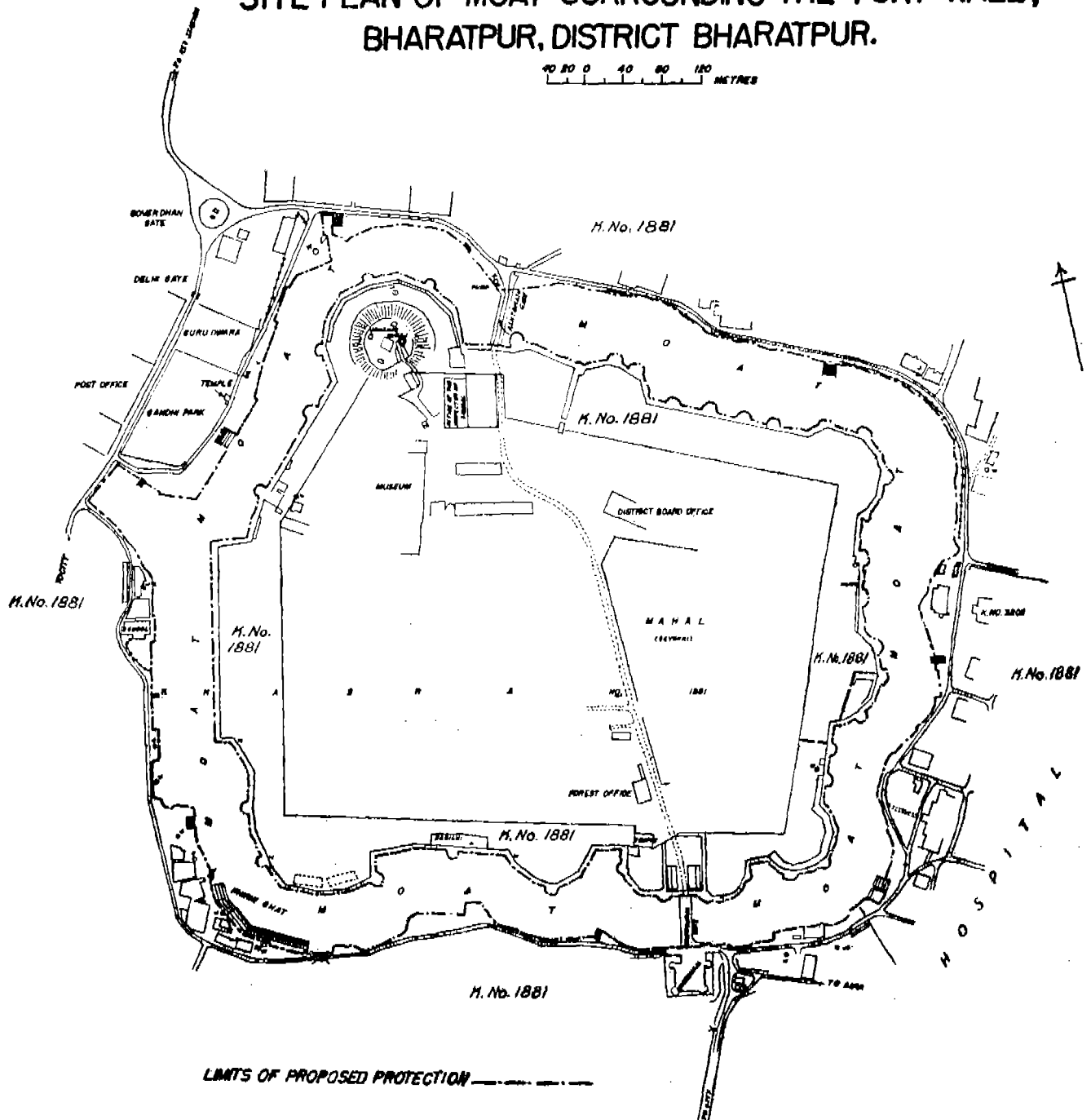
Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said ancient monument to be of national importance.

Any objection made within two months after the issue of this notification by any person interested in the said ancient monument will be considered by the Central Government.

SCHEDULE

State	District	Tehsil	Locality	Name/Description of monuments	Revenue plot numbers to be included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10
Rajasthan	Bharatpur	Bharatpur	Bharatpur	Moat surrounding the fort wall comprising part of Khasra no. 1881 as shown in the site plan reproduced below.	Part of Khasra no. 1881 as shown in the site plan reproduced below	145 Bighas and 11 Biswas	Outer: North : Khasra no. 1881 (Part) & Road South : Khasra no. 1881 (Part) & Road East : Khasra no. 1881 (Part) & Road West : Khasra no. 1881 (Part) & Road. Inner: North : Khasra no. 1881 (Part) South : Khasra no. 1881 (Part) East : Khasra no. 1881 (Part) West : Khasra no. 1881 (Part)	Rajasthan State Government	

SITE-PLAN OF MOAT SURROUNDING THE FORT WALL, BHARATPUR, DISTRICT BHARATPUR.



[No. 2/6/76—M]

M. N. DESHPANDE, Director General
and Ex-Officio Jt. Secy.

भ्रम मंत्रालय

प्रादेश

नई दिल्ली, 21 नवम्बर, 1977

का०अ० 85— केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स सिंगरेनी कोलियरीज कम्पनी लिमिटेड, रामगुन्डम, डिबीजन-1 के प्रबन्धन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री के०पी० नारायण राव होंगे, जिनका मुख्यालय हैदराबाद में होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

क्या मैसर्स सिंगरेनी कोलियरीज कम्पनी लिमिटेड, रामगुन्डम, डिबोजन-1 के प्रबन्धकों की श्री पी० गट्टामल्लू टब-रिपेयरिंग मिस्ट्री, गोदावरी खानी को 27-8-1976 से सेवा से हटा देने की कार्यवाही न्यायोचित है? यदि नहीं, तो संबंधित कर्मकार किस अनुतोष का हकदार है।

[संख्या एल-21012/4/76-डी-3(बी)/डी०आई की (बी)]

MINISTRY OF LABOUR

ORDER

New Delhi, the 21st November, 1977

S.O. 85.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Singareni Collieries Company Limited, Ramagundam Division-I and their workman in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri K. P. Narayana Rao shall be the Presiding Officer with headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whereas the action of the management of Messrs Singareni Collieries Company Limited, Ramagundam Division-I in terminating the services of Shri P. Gattamallu, Tub-repairing Mistry, Godavari Khani with effect from 27-8-1976 is justified? If not, to what relief is the concerned workman entitled?

[No. L-21012(4)/76-D-III(B)/D-IV(B)]

आदेश

का० आ० 86.—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स सिंगरेनी कोलियरीज कम्पनी लिमिटेड, रामगुन्डम, डिबोजन-1 के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री के० पी० नारायण राव होंगे, जिनका मुख्यालय हैबराबाद में होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

क्या मैसर्स सिंगरेनी कोलियरीज कम्पनी लिमिटेड, रामगुन्डम, डिबोजन-1 के प्रबन्धकों की श्री मुनिरुद्दीन, टब-रिपेयरिंग मिस्ट्री, गोदावरी खानी को 27-8-1976 से सेवा से हटा देने की कार्यवाही न्यायोचित है? यदि नहीं, तो संबंधित कर्मकार किस अनुतोष का हकदार है।

[संख्या एल-21012/5/76-डी-3(बी)डी-4 (बी)]

भूपेन्द्र नाथ, डेस्क अधिकारी

ORDER

S.O. 86.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Singareni Collieries Company Limited, Ramagundam Division-I and their workman in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri K. P. Narayana Rao shall be the Presiding Officer with headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the action of the management of Messrs Singareni Collieries Company Limited, Ramagundam Division-I in terminating the services of Shri Muniruddin, Tub-repairing Mistry Godavari Khani with effect from 27-8-1976 is justified? If not, to what relief is the concerned workman entitled?

[No. L-21012/(5)/76-D-III(B)/D-IV(B)]

BHUPENDRA NATH, Desk Officer

नई दिल्ली, 28 दिसम्बर, 1977

आदेश

का० आ० 87.—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में बड़ौदा बैंक, अहमदाबाद के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री प्रार० सी० असरानी, बी०ए० (ग्रान्से) एल०एल०बी० होंगे जिनका मुख्यालय अहमदाबाद में होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या बड़ौदा बैंक का प्रबन्धतंत्र द्वारा दबोई शाखा के अस्थायी चपरासी श्री जे०एस० शाह की सेवाएं समाप्त करना न्यायोचित है? यदि नहीं, तो कर्मकार किस अनुतोष का हकदार है?”

[सं० एल० 12012/173/76-डी II ए०]

जगदीश प्रसाद, अवसर सचिव

ORDER

New Delhi, the 28th December, 1977

S.O. 87.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bank of Baroda, Ahmedabad and their workmen in respect of the matters as specified in the Schedule hereto annexed.

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10

of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby constitutes an industrial tribunal of which Shri R. C. Israni, B. A. (Hons) L.L.B. shall be the Presiding Officer with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the management of Bank of Baroda is justified in terminating the services of Shri J.S. Shah, temporary Peon of Dabhoi branch. If not, to what relief is the said workman entitled?"

[No. L-12012/173/76-D. II. A.]

JAGDISH PRASAD, Under Secy.

S.O. 88.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in respect of a complaint under section 33-A of the said Act filed by Shri Sunderlall, Mistry Fitter, South Eastern Railway, Shahdol, which was received by the Central Government on the 23rd December, 1977.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC(C)(12)/77

[Arising out of Case No. CGIT/LC(C)(202)/76]

PARTIES :

Shri Sunderlall, Mistry Fitter,
S. E. Railway, Shahdol Complainant
Versus

- (1) Senior Divisional Personnel Officer, Opposite Parties
S.E. Railway, Bilaspur
(2) Divisional Mechanical Engineer (Power)
S.E. Railway, Bilaspur

APPEARANCES :

For Complainant .. Shri T. Kashinath
For Opposite Parties .. Shri S.D. Mukerjee,
Advocate

INDUSTRY : Railway DISTRICT : Bilaspur (M.P.).

Dated the, 19th December, 1977

AWARD

This is an application under Section 33-A of the I.D. Act in which complaint has been made that Sunderlall, Mistry Fitter was illegally made to retire from service compulsorily vide order dated 10-11-1976 when his application under Section 33(C)(2) of I.D. Act was pending before this Court vide Case No. 202/76.

The Divisional Superintendent, Bilaspur informs vide his letter No. E/DE/Court/12-A/77/JBP, dated 18-12-1977 stating that the competent authority has passed orders for taking the employee back to duty and for regularisation of the period of his absence in accordance with the directives issued by the Government. Formal orders are likely to be issued within a week or 10 days and then the applicant shall be taken back on duty.

As this shows that the non-applicant is not willing to contest the case and has consequently not filed a written statement, it is obvious that the order of compulsory retirement passed during the pendency of his application under Section 33(C)(2) before this Court admittedly amounted to change of service conditions in violation of the provisions of Section 33 of I.D. Act. The applicant therefore will have to be taken back on duty and the non-applicant is prepared to take him back as stated in the above letter.

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However, the question of regularisation cannot be left to the mercy of the general directives issued by the Government relating to such compulsory retirements during emergency because this is not one of those general cases simpliciter. This retirement was peculiar in the sense that besides being a repressive step taken during emergency it was also a change effected in flagrant violation of directives enacted in Section 33 of I.D. Act. Hence it is hereby ordered that the workman complainant shall be treated as if the order of retirement did not exist at all and shall be paid full emoluments and granted all benefits of continuance of service and increment etc. for the period from the date of such retirement to the date of reinstatement back on duty. Award is given accordingly.

S. N. JOHRI, Presiding Officer

[No. L-41014(i)/77-D. II.(B)]

S.O. 89.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2 Bombay in the industrial dispute between the employers in relation to the management of Indian Airlines, Bombay and their workmen, which was received by the Central Government on the 26th December, 1977.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL No. 2, BOMBAY

Reference No. CGIT-2/11 of 1975

PARTIES :

Employers in relation to the Indian Airlines
AND

Their Workman, Shri V. G. Pawar,

APPEARANCE :

For the Employers ... Shri S. K. Wadia,
Advocate.

For the workman ... Miss N. D. Buch,
Advocate.

INDUSTRY : Airlines. STATE : Maharashtra.

Bombay, dated the 16th December, 1977

AWARD

The Government of India, in the Ministry of Labour acting under Section 10(I)(d) of the Industrial Disputes Act, 14 of 1947 has referred the following dispute to this Tribunal for adjudication under order No. L-11011/4/72-LR. III/DIIB dated nil :—

"Whether the action of the management of the Indian Airlines, Bombay Region, in having denied continuity of service and full back wages to Shri V. G. Pawar while entertaining him in their services as a fresh recruit, and starting him on probation is justified? If not, to what relief the employee is entitled?"

In the statement of claim filed by the Air Corporations Employees' Union, Bombay on behalf of the workman V. G. Pawar, it is stated that Pawar was employed in the year 1964 as a Loader in the Indian Air Lines at Bombay. He was confirmed in that post in 1965. Thereafter his services were terminated and he was re-employed as fresh recruit on 3-8-1971. The Union submit that the Indian Air Lines Corporation should treat the workman as if he was in continuous employment and give him the wages and other service rights to which he would have been entitled to had his services been not terminated wrongfully and contrary to the Service Regulations.

The management filed a written statement stating that the workman Pawar was arrested by the Police on 11-9-1968 on a charge of theft of Rs. 10,000/- from the baggage of a passenger travelling from Bombay to New Delhi, on that day on flight No. IC-181. Soon after his arrest the employee was placed under suspension. The order of suspension ceased to be effective from 13-9-1968 the date of his release on bail. He should have therefore reported for duty on the date of release, but failed to do so. He also continued to remain absent from duty for a period of one year and five months thereafter. Absence without leave for more than eight consecutive days constitutes misconduct under the Corporation's Standing Orders. The Corporation submits that since there was a break in service for a period of one year and five months the question of taking back the employee in employment with continuity of service could not arise. Such a course would have also prejudicially affected the rights and interests of other employees of the Corporation. The workman was ultimately acquitted by the High Court of Bombay giving him the benefit of doubt. As a gesture of good-will the management offered the workman appointment of a Loader as a fresh recruit which he accepted on 10-8-1971 without prejudice to his legal claim if any for continuity of service and allied benefits. It is also submitted that on an earlier occasion also the workman absented himself from duty without leave for a period of 55 days from 22-7-1965. Out of this absence a period of 15 days was treated as extra-ordinary leave without pay and allowances and the remaining period as absence resulting in break in service. Thereafter he was appointed as a fresh hand. The Corporation prays that this reference may be answered against the workman.

On 12-12-1977 Shri S. K. Wadia appearing for the Corporation and Miss N. D. Buch appearing for the workman filed a Memo. of compromise praying the Tribunal to pass an Award in terms thereof. I consider the above settlement to be in the interests of the workman.

In the result this reference is answered in terms of the compromise memo. filed on behalf of the parties. A copy of the memo. of settlement appended hereto may be read as a part of this Award.

P. RAMAKRISHNA, Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL No. 2, AT BOMBAY

Reference No. CGIT-2/11 of 1975

EMPLOYERS IN RELATION TO THE MANAGEMENT
OF INDIAN AIRLINES, BOMBAY

Versus

THEIR WORKMEN AS REPRESENTED BY AIR COR-
PORATIONS EMPLOYEES' UNION, BOMBAY.
CONSENT TERMS

1. The parties to this Reference have arrived at the following settlement :—

- (i) Agreed and declared that the re-appointment of Shri V. G. Pawar as a fresh entrant with effect from 10th August 1971 was legal, valid and justified.
- (ii) Agreed that the re-appointment, however, be on a basic salary of Rs. 120/- per month in the grade applicable to him and that he be paid the difference in salary and allowances payable to him from 10th August, 1971 to 30th November 1977 on the basis of his basic salary having been Rs. 120/- per month on 10th August 1971, being the date of his re-appointment as a fresh entrant.
- (iii) Agreed that this Award is in full and final settlement of all claims of Shri V. G. Pawar in respect of the Reference made to this Hon. Tribunal.

2. The parties, therefore, pray that this Honourable Tribunal will be pleased to make an Award in terms of the above settlement.

Dated the 12th day of December, 1977.

Sd/-

S. K. WADIA, Advocate for Indian Airlines.
Sd/-

(Miss N. Buch)

Advocate for the Workmen.

P. RAMAKRISHNA, Presiding Officer.
[No. L-11011/4/72/LR. III/D. II(B)]

New Delhi, the 29th December, 1977

S.O. 90.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the industrial dispute between the employers in relations to the management of the Central Public Works Department, New Delhi and their workmen which was received by the Central Government on the 22nd December, 1977.

BEFORE SHRI MAHESH CHANDRA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I. D. No. 200 of 1977

In re :

The Secretary, All India C.P.W.D.
Employees Union, CPWD Enquiry Office
Lodi Colony, New Delhi-3.
(Regarding Nachhatar Singh) ... Petitioner

Versus

The Executive Engineer(E), Parliament Works
Electrical Division, CPWD, I.P. Bhavan,
New Delhi. ... Respondent

AWARD

The Central Government vide its order No. L-42012(17)/77-D.II(B) dated the 26th October, 1977, as appropriate Government made the following reference to this Tribunal:

'Whether the action of the Executive Engineer, Electrical Division No. 1, Central Public Works Department, New Delhi in imposing the penalty of withholding of the increment of Shri Nachhatar Singh, Assistant Wireman for a period of one year and not treating the period of his suspension from the 17th October, 1967 to 27th November, 1967 as duty for the purpose of grant of increment is justified? If not, to what relief is the said workman entitled?'

2. On receipt of the reference a notice was issued to the respective parties to appear on the 21st November, 1977. On the 21st November, 1977 none appeared for the workman and as such ex-parte proceedings were ordered against him while Shri Mahinder Singh, an Assistant of CPWD had appeared on behalf of the CPWD and he had filed a copy of the order of Engineer-in-Chief in this matter. The case was adjourned to today and today I have recorded the statement of said Shri Mahinder Singh. In his statement Shri Mahinder Singh has stated on oath that Shri Nachhatar Singh, workman had filed an appeal against the penalty the subject matter of the reference and his appeal was accepted vide order copy Ex. M-1 by the Engineer-in-Chief.

3. I have perused the order Ex. M-1 and from the perusal thereof I find that certainly the penalty of withholding of increment has been set aside and only warning has been ordered to be issued in the matter to the workman and his increment has been restored. It appears that it is in these circumstances that Shri Nachhatar Singh has not thought it proper or necessary to appear before this Tribunal to contest this matter and I accordingly hold that with the acceptance of his appeal by the Engineer-in-Chief vide order Ex. M-1 the reference has become infructuous and there was left no dispute between the parties and consequently the award of no dispute is passed in the matter.

4. Requisite copies of the award may be sent to the appropriate Government for necessary action.

Dated : 30th November, 1977

MAHESH CHANDRA, Presiding Officer
[No. L-42012(17)/77-D-II(B)]
HARBANS BAHADUR, Desk Officer.

नई दिल्ली, 30 दिसम्बर, 1977

का० अा० 91.— शारीरिक क्षति (प्रतिकर बीमा) निधि में प्राप्त और उसमें से संवत् सभी रकमों का 1972—76 वर्षों के लिए लेखा एतद्वारा विहित प्रारूप में प्रकाशित किया जाता है :—

शारीरिक क्षति (प्रतिकर बीमा) निधि में 31 मार्च, 1976 को समाप्त होने वाले वर्ष के दौरान प्राप्त और उसमें से संवत् रकमों का लेखा।

प्राप्तियां			व्यय		
रकम	1972 से 1976 के अन्त तक प्राप्तियों की प्रगति	रकम	1972 से 1976 के अन्त में व्यय की प्रगति		
1	2	3	4	5	6
प्रीमियम की पेशगो	(क) 1972-73 3,47,383.78 (ख) 1973-74 1,45,585.46 (ग) 1974-75 5,90,106.93 (घ) 1975-76 61,498.41	3,47,383.78 1,45,585.46 5,90,106.93 61,498.41	3,47,383.78 4,92,969.24 10,83,076.17 11,44,574.58	(क) शारीरिक क्षति (प्रतिकर बीमा) स्कीम, 1972 के अधीन प्रतिकर (2) सरकारी अभिकर्ता के पारिवारिक और व्यय और प्रपत्तों पर खर्च। (3) राज्यों में तथा केन्द्रीय सरकार के मुख्यालय में काम करने के लिए नियोजित कर्मचारीवृद्ध का व्यय। (4) संपरीक्षा और लेखा व्यवस्थियों का काम चलाने के लिए नियोजित अतिरिक्त कर्मचारीवृद्ध का व्यय। (5) शारीरिक क्षति (प्रतिकर बीमा) के खण्ड 12 के अधीन की गई पेशगियों का प्रतिसंदाय। (6) प्रकीर्ण व्यय (आवश्यक हो तो विवरण वृत्ति हुए)।	— — — —
	वर्ष 1972 से 1976 का योग	11,44,574.58	11,44,574.58		

[सं० एस-19025/10/77 फ़ैक्ट०]

New Delhi, the 30th December, 1977

S.O. 91.— An account of all sums received into and paid out of the Personal Injuries (Compensation Insurance) Fund for the years 1972 to 1976 is hereby published in the prescribed form :—

Account of sums received into and paid out of the Personal Injuries (Compensation Insurance) Fund during the year ending 31st March 1976.

RECEIPTS				EXPENDITURE	
AMOUNT			Progress of receipts upto the end of 1972 to 1976.	AMOUNT	Progress of expenditure upto the end of 1972 to 1976
1	2	3	4	5	6
Advance for Premium	(a) 1972-73 (b) 1973-74 (c) 1974-75 (d) 1975-76	3,47,383.78 1,45,585.46 5,90,106.93 61,498.41	3,47,383.78 4,92,969.24 10,83,076.17 11,44,574.58	(1) Compensation under the Personal Injuries (Compensation Insurance) Scheme 1972.	—

1	2	3	4	5	6
			(2) Remuneration and expenses of Agents of Government Agents and cost of Forms.	—	—
			(3) Expenses of the staff employed to do the work in the States and at the Headquarters of Central Government.		
			(4) Expenses of the additional staff to cope with the audit and accounting arrangements.	—	—
			(5) Repayment of advance made under clause 12 of the Personal Injuries (Compensation Insurance) Scheme.	—	—
			(6) Misc. expenditure (showing details if necessary).		
		11,44,574.58	11,44,574.58	—	—

[No. S.-19025/10/77/Fax.]

नई दिल्ली, 31 दिसम्बर, 1977

का०शा० 92.—समान पारिश्रमिक अधिनियम, 1976 (1976 का 25) की धारा 1 की उपधारा (3) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इससे उपाखण्ड अनुसूची में उल्लिखित रोजगारों को, इस संबंध में कि उनमें कितनी स्त्रियों को नियोजित किया जाए, समुचित सरकार को परामर्श देने के लिये समुचित सरकार द्वारा एक या अधिक मलाहकार समितियों को गठित किये जाने के लिए, विनिर्दिष्ट करती है।

अनुसूची

वायुयान परिवहन उद्योग जिसमें निम्नलिखित हैं:—

- (i) वायुयान परिवहन वाहक (यात्री तथा सामान);
- (ii) वायुयान परिवहन सहायक सेवाएं, जैसे वायुयान-पतन का प्रचालन, उड़ान सुविधाएं, रेडियो बेकन्स, उड़ान नियंत्रण केन्द्र, राडार स्टेशन और इसी प्रकार के अन्य उद्योग।

[संख्या एस-42013/4/76-इन्फु०सी०]

New Delhi, the 31st December, 1977

S.O. 92.—In exercise of the powers conferred by sub-section (1) of section 6 of the Equal Remuneration Act, 1976 (25 of 1976), the Central Government hereby specifies the employments, mentioned in the Schedule annexed hereto, for the purpose of constitution of one or more Advisory Committees by the appropriate Government to advise it with regard to the extent to which women may be employed in such employments.

SCHEDULE

Air transport industry consisting of—

- (i) Air transport carriers (passengers and freight);
- (ii) Supporting services to air-transport, like operation of air-ports, flying facilities, radio beacons, flying control centres, radar stations and such others.

[No. S-42013/4/76-WC]

का०शा० 93.—समान पारिश्रमिक अधिनियम, 1976 (1976 का 25) की धारा 1 की उपधारा (3) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, तारीख 26 जनवरी, 1978 को उस

तारीख के रूप में नियत करती है जिसको उक्त अधिनियम इससे उपाखण्ड अनुसूची में विनिर्दिष्ट रोजगारों के सम्बन्ध में लागू होगा।

अनुसूची

वायुयान परिवहन उद्योग जिसमें निम्नलिखित हैं:—

- (i) वायुयान परिवहन वाहक (यात्री तथा सामान);
- (ii) वायुयान परिवहन सहायक सेवाएं, जैसे वायुयान-पतनों का प्रचालन, उड़ान सुविधाएं, रेडियो बेकन्स, उड़ान नियंत्रण केन्द्र, राडार स्टेशन और इसी प्रकार के अन्य उद्योग।

[संख्या एस-42013/4/76-इन्फु०सी०]

मीना गुप्ता, अवर सचिव

S.O. 93.—In exercise of the powers conferred by sub-section (3) of section 1 of the Equal Remuneration Act, 1976 (25 of 1976), the Central Government hereby appoints the 26th day of January 1978 as the date on which the said Act shall come into force in respect of employments specified in the Schedule annexed hereto.

SCHEDULE

Air transport industry consisting of—

- (i) air-transport carriers (passengers and freight);
- (ii) supporting services to air-transport, like operation of air-ports, flying facilities, radio beacons, flying control centres, radar stations and such others.

[No. S-42013/4/76-WC]

MEENA GUPTA, Under Secy.

S.O. 94.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Bombay, in the Industrial dispute between the employers in relation to the management of M/s. Chowgule and Company (Private) Limited, Marmugao Harbour (Goa) and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Camp: Panaji

Reference No. CGIT-2/21 of 1975

PARTIES :

Employers in relation to the management of Messrs Chowgule and Company (Private) Limited, Mormugao Harbour (Goa).

AND

The workman Shri U. Dinkar.

APPEARANCES :

For the Employers—Shri D. P. Sinha, Manager, Industrial Relations.

For the workman—Shri U. Dinkar, (Workman in person).

INDUSTRY : Iron Ore Mining **STATE :** Goa, Daman and Diu.

Bombay, the 18th October, 1977

AWARD

The Government of India, in the Ministry of Labour in exercise of its powers conferred on it under section 10(1)(d) of the Industrial Disputes Act, 1947 (14 of 1947) has referred to this Tribunal the following dispute for adjudication: Vide its Order No. L 26012/12/74-LR. II dated 15-11-1974.

“Whether the action of the management of Messrs. Chowgule and Company (Private) Limited, Mormugao Harbour (Goa) in terminating the services of Shri U. Dinkar, Head Store Keeper, Pale Iron Ore Mines with effect from 12-6-1971 is justified? If not, to what relief is the workman entitled?”

The facts as disclosed in the statement of claim are that the workman herein joined the service of M/s. Chowgule and Company (Private) Limited on 13-1-1967 as a Junior Executive (Stores) on 13-1-1967, with responsibility to organise Stores procedures, indenting, documentation etc. On 12-3-1967 he was re-designated as Head Store Keeper. As a Head Store Keeper he was to work under the directions of the Mines Manager. He submits that as Head Store Keeper he was discharging manual and ministerial functions and not supervisory duties. According to him because he was reporting to the management the corrupt practices followed by some of the members of the staff including the Mines Manager his position in the company was made untenable. The management also suspected that he was instrumental in forming a trade union of the employees. Ultimately he was asked to hand over charge of the stores on 4-6-1971 and report himself before the General Administration Department. For three days he reported himself before the General Administrative Department for work, but he was not given any work. Finally on 12-6-1971 they terminated his services. The workman submits that the order of termination of service amounts to dismissal. He prays that his removal from service without holding any enquiry or assigning any reason therefore is wrongful and opposed to the principles of natural justice. He prays that he may be reinstated in service with full back wages and continuity of service.

The employers in their written statement take the plea that the workman herein is not a workman within the meaning of Section 2(s) of the Industrial Disputes Act and therefore this reference is not maintainable. They further say that the termination of the services of this workman was in accordance with the terms of his employment. They also submit that the services of this workman were not found satisfactory. Though repeated warnings were given to him to improve the standard of work he failed to do so. It is submitted that his services were terminated for unsatisfactory work.

Shri Sinha appearing for the Employers urged that the question whether the employee herein is a ‘workman’ within the meaning of Section 2(s) of the Industrial Disputes Act should be decided as a preliminary point. Therefore the said question alone is being disposed of. No oral evidence is adduced by the parties in this case. They agreed to treat the oral and documentary evidence adduced by them in the earlier reference CGIT-2/13 of 1971 as evidence in this case. The workman who appeared in person and Mr. Sinha for the management addressed oral

arguments. They also filed written arguments to supplement their oral arguments.

Before going to the preliminary point the facts leading to the present reference may be briefly stated. The services of the workman were terminated by the order dated 12-6-71. He raised an industrial dispute before the Assistant Labour Commissioner (C), Vasco da Gama as per his letter dated 20-6-1971. The efforts at conciliation having proved futile a failure of Conciliation Report was submitted to the Ministry on 14-9-1971. The Government referred the following industrial dispute to this Tribunal for adjudication as per its order No. L-29012/32/71-LRIV dated 16-12-1971:—

“Whether the action of the management of Messrs Chowgule and Company Private Limited, Mormugao Harbour (Goa) in terminating the services of Shri U. Dinkar, Head Storekeeper, Pale Mines with effect from 12th June, 1971 is justified? If not, to what relief is the workman entitled?”

Before the then Tribunal two points were raised on behalf of the management viz.,

- (i) because the workman did not formally make a demand upon the management for reinstatement before approaching the Assistant Labour Commissioner (C), Vasco da Gama the reference was not maintainable.
- (ii) Since on the relevant date the workman herein was discharging supervisory functions while drawing a pay of more than Rs. 500 per month he is not a workman, within the meaning of Section 2(s) of the Industrial Disputes Act.

My learned predecessor Shri N. K. Vani, considered the first question alone and decided it against the workman by his order dated 20-6-1973. Thereafter the workman raised a formal demand on 10-10-1973 by his letter Ex. E-1. On the basis of the formal demand made by the workman the present reference is made. The present reference and the earlier one of 1971 are identically worded. Shri Sinha for the Employers submits that the demand Ex. E-1 does not comply with the requirements of law because it is not a “self-explanatory or self-contained demand”, that is to say it does not set out the facts of the case leading to the present dispute. I see no substance in the contention. All the facts constituting this demand were placed before the Assistant Labour Commissioner (C) Vasco da Gama in 1971 itself and it is not necessary that those facts should be repeated in the letter of demand Ex. E-1. The management has been aware of the nature of the dispute all through and the present formal demand Ex. E-1 in my view is sufficient compliance with the law. As observed by his Lordship Mr. Justice O. Chinnappa Reddy in the case reported in 1977, II, LLJ, page 207* “it is not correct to say that the issue of a notice of demand is a condition precedent to the reference of an industrial dispute for adjudication. The statute does not prescribe any such condition precedent. On the other hand S. 10 is clear that even an apprehended dispute may be referred for adjudication”.

The other point raised by Mr. Sinha, for the employers is that the order passed by Shri Vani on 20-6-1973 is an award and therefore under Section 19 of the Industrial Disputes Act it remains in force for a period of one year from the date on which it became enforceable under Section 17-A of the Act. It is submitted that before the expiry of the period prescribed under Section 19(3) of the Act, the workman was not competent to raise an industrial dispute questioning that award. I do not agree with this contention. The order passed by Shri Vani cannot be considered to be an award within the meaning of Section 2(b) of the Act because it is not an interim or final determination of an industrial dispute or any question relating thereto. Only a preliminary question was considered and decided against the workman.

The next point that has to be considered is whether the employee herein is a workman within the meaning of Section 2(s) of the Industrial Disputes Act. If he is not a

*Algu Ram Vs. State of Punjab and others.

workman within the meaning of that Section it follows that this reference must be rejected as not maintainable. The relevant portion of Section 2(s) of the Act reads as follows:—

"2(s) 'workman' means any person (including an apprentice) employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with or as a consequence of that dispute or whose dismissal, discharge or retrenchment has led to that dispute: but does not include any such person—

(i) —————

(ii) —————

(iii) —————

(iv) who being employed in a supervisory capacity draws wages exceeding five hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature".

Admittedly the workman was drawing a basic salary of Rs. 625 besides D.A. of Rs. 150 on the date of termination of his service viz. 12-6-1971 (during the course of arguments this is admitted). The question that has to be considered is whether he was employed in a supervisory capacity. On this point the law as laid down in the decision reported in 1961, II, LLJ, page 117 (S.C.)* and 1969, II, LLJ, 670 (S.C.)** may be noticed.

*Andhra Scientific Company Ltd. vs. Seshagiri Rao (A). and another.

**Ananda Bazar Patrika (Private) Ltd. vs. its workmen.

In the case reported in 1961, II, LLJ, page 117 the workman was in charge of the maintenance of general stores, packing, and despatching, stock accounts and effective check over them and in charge of stock requisitions. He could not make any appointment in his department, could not suspend or dismiss any employee under him, or grant leave independently without the approval of Manager. He was not consulted when retrenchment in the Stores took place and he never imposed any fine on any employee. The High Court was inclined to hold that in the above circumstances the workman was exercising supervisory functions and because his salary at the relevant time was less than Rs. 500 he was a workman within the meaning of Section 2(s) of the Act. The correctness of the above finding of the High Court was accepted by the Supreme Court. From the other case reported in 1969(2) LLJ, page 670 the following head note may be usefully quoted:

"The facts in the instant case, showed that the employees principal work was maintaining and writing the cash book and preparing various returns. Being the senior-most clerk, he was put in charge of the provident fund section and was given a small amount of control over the other clerks working in his section. The only power he could exercise over them was to allocate work between them, to permit them to leave during office hours and to recommend their leave applications. Held that in view of these facts and circumstances of the case, the few minor duties of a supervisory nature cannot convert his office of senior clerk-in-charge into that of a supervisor and the order of the labour court rejecting the plea of the management and holding that the employee was a workman was upheld."

Applying the above principles it has to be seen if the workman in question is covered by the exemption under Section 2(s) of the Act. The best evidence on this matter

is that of the application submitted by the workman himself on 31-5-1971 i.e. about 12 days before the termination of his service, to M/s. Ciba India Ltd. for the post of a Senior Position—Stores/Purchases. At page 2 of that application Ex. E-3 (the bio-data sheet) the following passage occurs: "Chowgule and Co. Private Ltd., Goa, I am now holding the position of Junior Executive at their Pale Mines where, as in-charge of both the Mines and Pelletization Plant stores, I am given the responsibility of organising the whole set up with a view to minimise the Inventory cost and at the same time maintain safe mini-max levels. The value of stores under my control is about Rs. 65,00,000 and I have strength of 15 staff under me. The stores control is maintain on computer and I was fully involved, while introducing a new account machine recently, in the changes introduced in the coding and stores procedure to suit the new 80 column machine".

Shri Dinkar, the workman who argued his case in person was asked whether the duties enumerated by him in Ex. E-3 did not show that he was discharging supervisory functions in the company in question till 31-5-71. He had no direct answer to give to this question except to say that page No. 2 containing the above passage was inserted mischievously by the management while producing this document. This statement of his cannot be accepted. While working for the Employers in question he without their knowledge submitted this application to M/s. Ciba India Ltd. for a Senior Position—Stores/Purchases. He admits that the first and last pages of this Exhibit are genuine. The only complaint is that page 2 containing the incorrect passage relied on by the Management is inserted at their instance. The typist that typed this Ex. E-3 was examined before Shri Vani in Reference No. CGIT-2/13 of 1971. On being shown this letter Ex. E-3 the Typist Shri Rodrigues stated that the application was typed by him. In his cross-examination the workman Shri Dinkar asked him whether he was identifying this Exhibit E-3 from his memory or on the basis of some documentary evidence. The witness stated that the exact copy addressed to M/s. Ciba India Ltd., along with the Bio-data of the workman was shown to him by the Manager Shri Samant and was asked to identify the document. The witness told Shri Samant it was he who typed this document. A careful comparison of the typing on pages 1 and 3 with the disputed page 2 of document also indicates that the disputed page forms part of it. This conclusions is further fortified by the evidence of the typist and the admission of the workman that pages 1 and 3 are genuine. I find that Ex. E-3 containing the disputed portion is genuine.

Shri Sinha for the management referred to Ex. 15/W, 16/W and 19/W (Marked in the earlier reference) Ex. W-15 dated 17-5-1971 is the explanation submitted by the workman to the letter of the management dated 14-5-1971 also marked as Ex. 15/W by mistake. Paragraph 3 of that letter shows that the workman was competent to book overtime without prior sanction in case of emergency and late receipts or despatches of urgent nature. In such cases post facto sanction was being obtained. It is further stated in that letter that after the manager had spoken to him in the first week of April, he had arranged overtime working by others for both holidays and also for emergency calls. The stores were under his lock and key. When he was present at Headquarters and in his absence the key would be handed over to some other officer as per the directions of the authorities concerned. The fact that stores worth Rs. 65 lakhs or more are entrusted to the custody of this workman shows that he could not have been a mere ministerial member of the staff. Ex. W-16 dated 18-5-1971, which is an explanation to the letter Ex. W-17 dated 17-5-1971 also indicates the nature of duties discharged by the workman just before the termination of his service. Under Ex. W-17 he was called upon to explain why he had recommended grant of leave to one Shri S. M. Londhe, Office Assistant without seeing the remarks of the R.M.O. and consulting him. To that he submitted the explanation Ex. W-16. Which shows that he was competent to recommend leave which is a supervisory function. In the letter Ex. W-19 addressed to the management on 8-6-1971 by the workman protesting against the letter Ex. W-18 directing him to hand over charge of the stores to one Shri V. D. Varerkar, the workman stated that he had informed the management that he was repeatedly subjected to indignities

and humiliation, which were detrimental to his authority in maintaining good discipline and control of Stores. He complains that several complaints made by him against his subordinate were not properly enquired into by the management. Regarding the complaint that he recommended sanction of leave to six persons on one day including Shri Londhe, he gave an explanation. This again shows that his duties were more supervisory than ministerial. Exhibit 41/E dated 18-2-71 is a note submitted by the workman as Head of the Department to the Manager seeking sanction for overtime booked by him for four members of the staff mentioned therein. Exhibit 45/E dated 6-2-1971 (marked in the earlier reference) is a similar note submitted by the workman for overtime booking on 5-2-1971. Exhibit 42/E is an application for leave submitted by Shri A. P. C. Coelho on 1-2-1971. It shows that as a Sectional or Departmental head he recommended the grant of leave.

Then coming to the oral evidence of the workman recorded in the earlier reference in his Chief examination he stated that he was doing all duties including clerical work. He was corresponding with the Head Office, raising all indents and maintenance of stock register. He was corresponding directly with the Head Office Stock Section. In his cross-examination he admitted that he had two Stores Keepers working under him. There were some other staff working in the Stores. One of the two Stores Keepers Shri Verghese was transferred to the Head Office in January 1971 and subsequent thereto he had only one Store Keeper under him till the date of termination from service. There was a Head Store Clerk at the place where he was working after the transfer of Shri Verghese. He prepared a statement of job allocation for Store Staff and submitted it to the Mines Manager, (Ex. E/32) while allocating duties he allotted to himself the work of general correspondence, co-ordination and over all supervision of Stores Tool Stores and C.R.E.C. Stores duties among other duties. He was also in-charge of making arrangements for work in place of absentee workmen. The documents of the Stores in transit under indent chit were signed by him and other assistant. He was signing those chits as Stores In-Charge. He was signing Store indent in his capacity as Departmental Head. He was making reports against staff working under him. He was also recommending for promotion of Store Keepers and other staff. The above evidence clearly shows that he was discharging mainly supervisory functions.

Lastly the workman relies on the Failure of Conciliation Report submitted by the Assistant Labour Commissioner (C) Vasco da Gama wherein the Assistant Labour Commissioner (C) over-ruled the objection raised on behalf of the management that the workman in question was not one falling under the definition of Section 2(s) of the Industrial Disputes Act. That view of the Assistant Labour Commissioner (C) cannot bind this Tribunal. Another point urged by the workman is that he was originally appointed as Junior Executive in charge of Stores and within three months thereafter his post was down-graded to that of a Head Store Keeper and therefore he should be considered to be a workman within the meaning of Section 2(s) of the Act. This is not how the workman understood his position to be when he submitted Ex. E-3 to M/s. Ciba of India Ltd., as late as on 31-5-1971. His salary continued to remain the same and he also continued to remain Head of the Stores Department or Section, even after his designation was changed to Head Stores Keeper.

For the aforesaid reasons I hold that the employee Shri Dinkar is not a workman within the meaning of Section 2(s) of the Industrial Disputes Act.

From the above finding it follows that this reference is not maintainable.

This reference is accordingly rejected.

P. RAMAKRISHNA, Presiding Officer,

[No. L-26012/12/74-LR IV/D. III B.]

J. C. SAXENA, Under Secy.

New Delhi, the 30th December, 1977

S.O. 95.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Area No. VI Coal Mines Authority Limited Post Office Mugma District Dhanbad and their workmen, in which was received by the Central Government on the 26th December, 1977.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 47 of 1947

Old No. 19 of 1976

PARTIES :

Employers in relation to the management of Area No. VI of Coal Mines Authority Ltd., P.O. Mugma, Dist. Dhanbad.

AND

Their workmen represented by Bihar Colliery Kamgar Union.

APPEARANCES :

For Employers—Shri T. P. Chowdhury, Advocate.

For Workman—None.

INDUSTRY : Coal.

STATE : Bihar.

Dhanbad, the 19th December, 1977

AWARD

This is a reference U/S 10(1)(d) of the Industrial Disputes Act, 1947, by the Government of India, Ministry of Labour under Order No. L-20012/65/75-D. IIIA dated the 11th May 1976. The Schedule of the reference is extracted below :—

SCHEDULE

“Whether the action of the Area General Manager Area No. VI of Coal Mines Authority Ltd., P.O. Mugma, Dist. Dhanbad in transferring the following workmen to different areas as indicated against each workman is justified :—

1. Shri Pradeep Kumar Chandra Electrician, Lakhimata Colliery to Dumka Sub-Area w.e.f. 5-2-75.
2. Shri Ram Gorai, Trammer, Mandman Colliery to Area No. IV with effect from 8-2-75.
3. Shri Sadanand Singh, Drillman, Mandman Colliery to Area No. V with effect from 8-2-75.
4. Shri Balmiki Maharaj, Mining Sirdar Shampur-I Colliery to Dumka Sub-Area w.e.f. 5-2-75.
5. Shri Hari Prasad Mallan, Electric Helper, Gopinathpur Colliery to Area No. III w.e.f. 8-2-75.
6. Shri Rakho Hari Bannerjee, Overman, Gopinathpur Colliery to Area No. III w.e.f. 8-2-75.
7. Shri Haradhan Bhandari, Chairman, Badjna Colliery to Area No. V w.e.f. 8-2-75.
8. Shri Aswini Bouri, Line Mstrv. Lakhimata Colliery to Area No. V w.e.f. 8-2-75.
9. Shri Chedi Singh Electrician Badjna Colliery to Area No. V w.e.f. 8-2-75.
10. Shri D. K. Goswami, Bill Clerk, Kapasara Colliery to Area No. V w.e.f. 8-2-75.

If not to what relief are the said workmen entitled ?”

2. From the above it would appear that the dispute relates to the transfer of certain employees from Area No. VI to different mines under the same authority.

3. From the record it appears that Shri J. D. Lal was appearing for the workmen, but subsequently he remained absent and on 14-12-77 the case was taken up when Shri Mahesh Prasad Singh Asstt. Chief Personnel Officer, General Manager's Office, Mugma was examined.

4. The reference was made on the failure report dated 16-4-75 sent by the A.I.C. (C) Dhanbad-I to the Secretary to the Government of India, Ministry of Labour, New Delhi.

5. Case on behalf of the workmen is that they have been working in different collieries of Area No. VI under the management of the Coal Mines Authority Ltd., since much prior to take over of the collieries by the Central Government with effect from 30-1-1973. As they were active members of the Bihar Colliery Kamgar Union which was not liked by the management, they were served with transfer orders signed by the Asstt. Chief Personnel Officer, Area No. VI transferring them to different collieries outside Area No. VI. It is said that these transfers are not only motivated but are quite illegal, arbitrary, whimsical, unjustified and smack of unfair labour practice. It is also said that the provisions, if any, in the Certified Standing Orders regarding transfer is illegal, void and not enforceable. Submission is that the action of the management in transferring the concerned workmen is illegal, mala fide and void and prayer is to set aside the order and to give any other relief which may be available.

6. In the written statement filed on behalf of the management it is stated that they are not aware if the concerned workmen were members of the union as alleged and Office bearers as well and further that it is incorrect to say that they did not like the union and therefore transferred the concerned workmen to crush it.

7. Case further is that the transfers were made in the same area although in other collieries of the Coal Mines Authority Ltd. (now Eastern Coalfields Ltd.) in the exigencies of work and they were not motivated, illegal, arbitrary and unjustified and there is absolutely no ground to say that it is unfair labour practice. The orders of transfer were passed by the competent authority and the Asstt. Chief Personnel Officer merely conveyed that order to individual workman. The Standing Order as well as Coal Mines (Nationalisation) Act, 1973 in Section 14(4) empowered the management to make transfer in the interest of work under the same management. It is submitted that the allegations made on behalf of the workmen are all false and there is absolutely no merit in the case.

8. If we refer to the Standing Orders, Clause 16 empowers the management to transfer workmen due to exigencies of work from one department to another or from one to another or from one coal mine to another under the same ownership provided that the pay, grade, station, continuity and other conditions of service of the workman are not adversely affected by such transfer and provided also that if a workman, is transferred from one job to another, that job should be of similar nature and such as he is capable of doing and that reasonable notice is given of such transfer and reasonable joining time is allowed in case of transfer from one Station to another. This clause further postulates that the workman concerned shall be paid the actual transport charges plus 50 per cent thereof to meet incidental charges.

9. There is no direct section relating to transfer in the Coal Mines (Nationalisation) Act, 1973, but in Section 14(4) there is a mention of transfer of the services of any officer or other employee of a coal mine to another mine which means that under the Act also the management has authority to transfer any officer or other employee to a coal mine.

10. In the instant case MW-1 has been examined and he says that in May 1974 collieries of Dumka District were taken over and it was found that competent persons were almost negligible. It was, therefore, decided to transfer some of the personnel from Mugma Area to Dumka Sub-Area to solve this difficulty. This Dumka Sub-Area was under the Mugma Area. He says further that when the first batch was transferred the Colliery Kamgar Union obtained injunction from the Civil Court and the appeal that was filed against that order was allowed. His evidence is

that during the pendency of the appeal there was discussion between the Chairman and the top men of Kamgar Union including Shri A. K. Roy and it was decided that the decision in appeal would be binding on the parties and further that the decision would be followed in other cases of transfers as well.

11. From the evidence of MW-1 it is clear that the transfers were made in the exigencies of service and it was in the Mugma Area itself and order was obtained from the highest authority.

12. There is nothing on record to show that the transfer in any way affected the service conditions, emoluments etc., of the concerned workmen. That being so, it cannot be said that the transfers were illegal or were done to victimise the workmen and was an act of unfair labour practice. As the position stands, transfers were justified.

13. As I have said earlier none has appeared on behalf of the workmen at the time of hearing of reference. It means that the concerned workmen have no dispute and the transfers being justified they have also no case.

14. In my opinion, therefore, the action of the Area General Manager Area No. VI of Coal Mines Authority Ltd., P.O. Mugma (Dist. Dhanbad) in transferring the concerned workmen to different areas as indicated against each workman is justified and they are entitled to no relief.

This is my award.

S. R. SINHA, Presiding Officer
[No. L-20012/65/75-D. III (A)]

S.O. 96.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Noonodih Jitpur Colliery of Messrs Indian Iron and Steel Company Limited, Post Office Bhaga, District Dhanbad and their workman, which was received by the Central Government on the 26th December, 1977.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL— CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 48 of 1977

Old No. 21 of 1976

PARTIES :

Employers in relation to the management of Noonodih Jitpur Colliery of M/s. Indian Iron & Steel Co. Ltd., P.O. Bhaga, Dist. Dhanbad.

AND

Their workman.

APPEARANCES :

For Employers—Shri P. K. Bhandari and Shri T. P. Chowdhury, Advocates.

For Workman—Shri Shankar Dasandhi workman himself.

INDUSTRY : Coal.

STATE : Bihar.

Dhanbad, the 17th December, 1977

AWARD

This is a reference U/S 10(1)(d) read with Section 2(a) of the Industrial Disputes Act, 1947, by the Government of India, Ministry of Labour under Order No. L-20012/278/75/DIIIA dated the 25th May, 1976. The terms of reference as given in the schedule is as follows :—

SCHEDULE

“Whether the action of the management of Noonodih Jitpur Colliery of M/s. Indian Iron & Steel Co. Ltd., P.O. Bhaga, Dist. Dhanbad in dismissing Shri Shankar Dasandhi, On-setter from service with effect from 1st July, 1975 is justified? If not, to what relief is the said workman entitled?”

2. The concerned workman Shankar Dasandhi has entered into a compromise with the management and filed a compromise petition stating therein that the terms are fair and reasonable and praying to give an award in terms thereof. The compromise petition has been signed by Shri Dasandhi for himself and the management has also been represented by its own representative.

3. According to the terms of the compromise the concerned workman is to be reinstated within seven days of the date mentioned in the petition and I am sure it must have been done. I find that the terms are quite fair and proper and accordingly I accept the compromise and pass the award in terms thereof. The compromise petition will form part of the award.

S. R. SINHA, Presiding Officer

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 3 AT DHANBAD

Ref: 48/77

Employees in relation to the Management of Noonodih/Jitpur Colliery of M/s. Indian Iron & Steel Co. Ltd.

AND

Their workman (Shanker Dasandhi)

The parties beg to state :—

That they have arrived at an amicable settlement in connection with the above dispute which has been referred to this Hon'ble Tribunal for adjudication on the following terms :—

- The Employer agree to re-instate Sri Shanker Dasandhi the concerned workman in service on his joining within seven days from this date.
- Shri Dasandhi, however, will not get any wages for the period he was out of employment, but it will not amount to break in service and the entire period will be treated as leave without pay and shall count towards gratuity.
- That since the above terms are fair and reasonable, the parties pray that an award may be given in terms thereof.

For and Behalf of the Workmen.

For and Behalf of the Management.

Witness :—

Sd/- (Illegible)

S. R. SINHA, Presiding Officer

[No. L-20012/278/75-D. III A]

S. H. S. IYER, Desk Officer

New Delhi, the 5th January, 1978

S.O. 97.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of Punjab National Bank, New Delhi and their workman, which was received by the Central Government on the 22nd December, 1977.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I. D. No. 84 of 1977

In re :

The General Secretary, Punjab National Bank Employees' Union, (Pb.) Regd., 162, Shakti Nagar, Jalandhar City

...Petitioner.

Versus

The Regional Manager, Punjab National Bank, Jhandewalan Extension, New Delhi

...Respondent.

130 GI/77—5

PRESENT :

Shri L. R. Kashyap—for the Union.

Shri M. K. Jain—for the Management.

AWARD

The Central Government vide its order No. L. 12012/2/75/DII/A dated the 10th June, 1975 made a reference as appropriate Government to Shri H. R. Sodhi, Industrial Tribunal, Punjab in the following terms :

7. Whether the management of Punjab National Bank is justified in denying conveyance allowance to Shri V. N. Bansal, Godown-keeper, at Mewla Maharajpur branch of the said Bank, for the period from the 1st January, 1973 to February, 1974? If not, to what relief is the said workman entitled?

2. Shri H. R. Sodhi issued requisite notices to the parties and the parties filed their respective statement of claim and the written statement and following issues were framed by him for trial :

1. Whether Shri V. N. Bansal, Godown-keeper at Mewla Maharajpur branch of the Punjab National Bank is entitled to conveyance allowance?

2. If issue No. 1 is decided in favour of the workman and against the management, was the management justified in denying the said allowance to the workman for the period from 1st January, 1973 to February, 1974?

3. If issues Nos. 1 and 2 are decided against the management and for the workman, to what relief, if any, is the workman entitled?

3. Thereafter before any evidence was recorded by Shri Sodhi the case was transferred by the appropriate Government to Industrial Tribunal, Delhi and finally the case was transferred to this Tribunal without any further proceedings having been held by the Industrial Tribunal, Delhi. It is how this case came up before this Tribunal for final disposal. Evidence was recorded by this Tribunal and the parties examined one witness each by way of their evidence.

4. I have gone through the evidence produced by the parties and have heard the representatives of the parties. After giving my considered thought to the matter before me I have come to the following findings :

Issue Nos. 1, 2 and 3 :

All these issues involve the same question and it would therefore be appropriate to consider them jointly. In order to establish his claim the workman has examined himself as W.W.1 apart from producing certain documents into evidence. As against this the Management also examined Shri M. M. Monga, the Asstt. Manager of Faridabad Branch of the Bank and produced certain documents.

5. The workman as W.W.1 has submitted that during the period 1st January, 1973 to February, 1974 he was working in Mewla Branch of Punjab National Bank at clerk-cum-Godown-keeper and was required to supervise four godowns under the Bank and they were situated at difference places at different distances. It is further stated by him that Mewla Maharajpur Branch falls within the Faridabad Complex and all the facilities which are available to the employees in Faridabad Branch were available to employees working in Mewla Maharajpur Branch. It is also stated by him that conveyance allowance was admissible to a Godown-keeper employed in Faridabad Branch but is not paid to the employee working in Mewla Maharajpur Branch by the Bank. He has produced into evidence Ex. W-1 to Ex. W-15 and also Ex. W-16. During cross examination however he has admitted that Mewla Maharajpur has a notified area committee of its own and it is also admitted by him that Faridabad Branch had started functioning much earlier than Mewla Branch. It is admitted by him that while at Faridabad there is a branch office, at Mewla Maharajpur there was a Pay office. Thus from the statement of the workman himself it is established that Mewla Pay

Office is altogether different from the Faridabad Branch. The workman has not produced any document what-so-ever to show that all the allowances admissible to the employees of the Faridabad Branch have been either under conditions of service or under any agreement between the workman and the Bank extended automatically to the employees at Mewla Maharajpur Pay Office of the Bank. The burden of establishing this fact was upon the workman and therefore it cannot be said that travelling allowance is admissible or is being paid to an employee at Faridabad Branch it would automatically be payable to employees in the Mewla Pay Office. Further more the workman has not been able to draw my attention to any document whereby it is a condition of service that a Godown Keeper is entitled to be paid a conveyance charges and in the absence thereof it cannot be said that the workman has established his claim. Mere fact that the workman has submitted certain claim would not mature his alleged claim into a right as in the present circumstance alleged by the workman. Ex. W-2 letter does not help the workman in any manner what-so-ever. Strangely enough the workman at no stage of time submitted bills of his daily expenditure to the Local Pay Office Manager to suggest that he had been incurring the said expenditure. Incidentally it may be mentioned here that the workman has not produced any evidence to establish that he had been in fact incurring any expenditure by way of conveyance charges while going to visit the respective godowns. From the statement during cross examination I find that it is not the claim of the workman that it had at any stage been agreed that conveyance charges would be paid to him. Though he had denied the suggestion that he had not been spending even a single penny on conveyance but he has not led any evidence either to prove that he had been spending anything. As against this statement, is the statement of Shri M. M. Monga who as M.W.1 has stated that he was working as Manager in Faridabad Branch since October, 1976, prior where to he was at Mewla Maharajpur Pay Office since 3rd October, 1972. Thus it was when Shri M. M. Monga was, Incharge at Mewla Maharajpur Pay Office that the petitioner V. N. Bansal has claimed his conveyance allowance. This witness has also brought out that Faridabad was a Branch while Mewla Maharajpur was a Pay Office and the pay office is a smaller unit than the Branch. It is further brought out by this witness that the working of a pay office is of a few lakhs while that of a Branch extends beyond crores and the Pay Office is under the control of an Officer Incharge and the Branch was under the control of a Manager. Finally it is stated by him that Faridabad Branch working was 10 to 12 times than that of Mewla Maharajpur Pay Office. It is admitted by this witness that Mr. Bansal started as Godown Keeper from 1st January, 1973 and prior thereto some other man was working as a Godown Keeper. It is then stated by this witness that no conveyance allowance was paid to the predecessor of Mr. Bansal, the workman in the instant case. It is also stated by this witness that by and large Mr. Bansal used to go on the conveyance provided by the respective parties to whom the godown belonged and the workman had never submitted any bills regarding his claim for rickshaw fare although latter on he did submit a consolidated bill. This witness has tendered Ex. M-1 into evidence in consequence whereof the payment of Rs. 3 of Mr. Bansal was also stopped.

6. It is in the light of this evidence that the entire matter has to be considered. When we pursue the order of reference we find that it is a limited reference and is circumscribed by the order of reference and this relates to the denial of conveyance allowance by the Bank Manager to Shri V. N. Bansal for the period 1st January, 1973 to February, 1974. It does not raise any general question admissibility of travelling allowance or conveyance allowance to the incumbency of godown keeper. It also does not show that it raises the question of admissibility of the allowance. There is no agreement or condition of service for payment of such allowance. A perusal of para 548 of the Shastri Award also does not confirm the position taken up by the workman. From claim statement Para 17 it would appear that the workman wants that a conveyance allowance should be fixed which however is not the scope of this reference. Even assuming that the scope of reference could extend to the fixation of a conveyance allowance for the particular post the workman has not cared to bring any evidence worth the name to enable this Tribunal to go into that aspect of the matter. There is a reference to some agreement in Ex. W/16 produced by the workman but strangely enough the workman has not produced any agreement what-so-ever to support his claim. A perusal of Ex. W/16 shows that there is no

reference what-so-ever to actual expenses by the workman or to a claim as well as expenses in which event the workman cannot be now permitted to change his claim to that of a fair or legitimately expenses re-imbursement.

7. Thus in the instant case the workman has failed to prove that there was any agreement whereunder he was entitled to get any conveyance allowance. The workman has further failed to prove that any conveyance allowance was being paid to his predecessor. He has also failed to prove that any conveyance allowance was paid by the Bank to his successor except as long as the party was prepared to bear it. The Shastri Award does not entitle the workman to any conveyance allowance in the circumstance of the case. He has not established that there is any case for fixation of any conveyance allowance. From whichever angle I may consider the matter before me I have come to the conclusion that the workman has failed to establish any claim for payment of conveyance allowance and accordingly I hold that the workman is not entitled to anything and therefore it follows that the Management of the Punjab National Bank is justified in denying conveyance allowance to Shri V. N. Bansal, Godown Keeper at Mewla Maharajpur Pay Office of the Bank for the period from 1-1-1973 to February, 1974 and therefore the workman is not entitled to any relief in this reference and the award is made accordingly.

8. Requisite copies of this award may be sent to the appropriate Govt. for necessary action.

Dated : the 18th November, 1977.

MAHESH CHANDRA, Presiding Officer

[F. No. L-12012/2/75-D. H.A.]

S.O. 98.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of Central Bank of India, Chandigarh and their workman, which was received by the Central Government the 22nd December, 1977.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI.

I. D. No. 74 of 1977

In re :

The General Secretary, Central Bank of India Employees Union Haryana, 146-A, Lalkurti, Ambala Cantt. (Shri K. K. Trikha).

AND

The Zonal Manager, Central Bank of India Chandigarh.

PRESENT :

Shri R. K. Joshi.—for the Union.

Shri H. L. Chhibber.—for the Management.

AWARD

The Central Govt. as appropriate Govt. vide its order No. L. 12012/10/74-LR, III dated the 8th November, 1974 made the following reference to Industrial Tribunal, Chandigarh :

Whether the action of the management of Central Bank of India in denying promotion to Shri K. K. Trikha, Clerk, Rohtak Branch, under the All India Service and under State Service is justified ? If not, to what relief is he entitled ?

2. On receipt of the reference usual notices were sent to the parties and the workman filed his statement of claim before the Industrial Tribunal, Chandigarh. Thereafter written statement was filed on behalf of the Central Bank of India and finally a replication was also filed to the written statement. The Industrial Tribunal, Chandigarh framed the following issues for trial on 18-4-1975.

1. Whether the promotions both under All India and State services, have been justifiably denied to Shri K. K. Trikha, a clerk employed at Rohtak Branch of the respondent Bank.

2. Did Shri Trikha the concerned workman, qualify for promotion in both the tests held for All India and State Services and does that qualification give a right to the person to claim promotion no matter whether at the time he qualified for promotion he was facing an enquiry for any alleged misconduct ?

3. Whether the charge sheets had been served on the workmen as an act of victimisation and if so, what is its effect or is the enquiry being prolonged only to deprive the workman of his right to promotion ?

4. Relief.

3. No other issue was claimed by the parties and as such the evidence of the Management was ordered to be recorded. Thereafter three witnesses of the Management was recorded and 11-2-1976 was fixed for recording the evidence of the workman but in the meanwhile the case was transferred to industrial tribunal, Delhi and finally the case was received by transfer by this Tribunal vide order No. L-12025(21)/76-L. II. (A)/D. IV(B) dated 13-5-1977. After this case was received notices were issued and an application was filed by the Bank. From the perusal of the said application it transpired that it was contended by the Bank that a settlement was arrived at between the parties in joint discussions between the Management and the concerned union on 3rd and 4th August, 1976 and in consequence it was contended by the Bank that a no dispute award be passed in this reference. The said settlement is Annexure 'A' to the said application and is exhibited as Ex. C-1. Thereupon a reply was filed by the union in which it was admitted that certainly the settlement was arrived at between the parties. However it was submitted that the Bank has not implemented the said settlement and therefore the union did not think it fit to withdraw the case under reference. Thereupon the bank filed a rejoinder stating therein that the papers were in fact put up before the Managing Director who was of the view that the case does not warrant any further consideration and as such a no dispute award be passed in the matter.

5. Statement of Shri R. K. Joshi for the union was recorded on 16-11-1977 wherein it is stated by him that 'Agreement C/1 was certainly entered into between the parties but the M. D. has maintained the termination'. Thereafter arguments were heard in the matter.

6. I have gone through the file and the settlement and have also given my considered thought to the matter before me and I have come to the following findings :

7. In order to arrive at any conclusion in the matter under reference it is necessary to go into the terms of the settlement. From the perusal of the said settlement Ex. C-1, I find that it has been entered into as a package deal and in consequence some give and take appears to have taken place between the Management and the Union. The settlement has to be considered in this light and cannot be considered with reference to solitary case of the present workman involved in this case. When I peruse the settlement Ex. C-1 in this background I find that certainly the matter under reference has been compromised and it would follow that a no dispute award must be made in this case.

8. I para 1 of the settlement it has been recited as follows :

'At the very outset, Management clarified that these bilateral discussions are being held for the purpose of settling all along pending cases of the Union relating to Chandigarh once for all with the clear understanding that hereinafter no individual units or its parent body would refer any matter before the conciliation officer/labour court/Tribunal/other courts/authorities and the cases pending before the said authorities shall be withdrawn by the Union to which the Union agreed to settle. The Management on their part agrees to discuss all issues referred to them from time to time first at the branch level and thereafter at Divisional and Zonal office level. Any issue/issues remaining unresolved after discussions at the lower levels shall ultimately be discussed at the Central Office level on being referred to them through the All India Central Bank Staff Federation. The unions agree to this procedure being followed by them. The unions further want that the discussions should be fixed by

the Management within a reasonable period of forty-five days from the date of reference or any issue to the appropriate authority by them and efforts made to resolve the disputes within a reasonable period.

9. It is further made out in para 2 of the settlement that it is clearly understood by the parties that the issues of Chandigarh which are being taken up would be disposed of as a package deal all the issues would have to be settled simultaneously and the union on its part should approach the tribunal or appropriate authorities to withdraw the cases immediately as settled.'

This shows that the settlement was a package deal and on arriving this settlement it had become incumbent upon the union on its part to withdraw from these cases which were deemed as settled. Finally reference be made to para 6 of the said settlement Ex. C/1 wherein it has been provided that 'subject to the basic understanding between the Management and the union that the following cases shall not be pursued before the Industrial Tribunal/Labour Courts but other avenues including arbitration (private as far as possible, if not under I.D.A. Act) shall be explored, the parties agree that the union shall submit its notes on each of these cases whereafter further mutual discussions shall be held to arrive at amicable settlement and if in a particular case, no settlement is reached, such cases would be referred to Managing Director :

1. Shri R. N. Ahuja, Clerk-cum-Typist.
2. Shri K. K. Trikha, Clerk.
3. Shri H. S. Bhatia, Clerk-cum-Typist.
4. Shri S. K. Dhir.
5. Shri G. S. Gulati, Steno.

The said settlement is signed by Shri G. K. Awasthy General Secretary, Shri Tara Chand Gupta, Joint Secretary and Shri A. L. Chopra, the Joint Secretary on behalf of the All India Central Bank Staff Federation and Shri D. K. Contractor, Asstt. General Manager and Shri H. J. Bhatia, Manager (Personnel) on behalf of the Management of Central Bank of India. From the perusal of the terms of settlement it is established beyond any shadow of doubt that as a package deal the matter under reference stands compromised and settled and therefore it would follow that a no dispute award has to be passed in the instant case.

10. It has been urged by Shri Tara Chand Gupta and Shri R. K. Joshi that it was never their intention to agree to the withdrawal of the case if the decision of Managing Director went against the workman. However this cannot be read into the settlement. The terms of the settlement are very clear. It is categorical about the settlement being a package deal and about the liability of the union to withdraw these cases immediately after the settlement was signed and therefore it cannot be said that there is any weight in the contention of Shri T. C. Gupta or Shri R. K. Joshi. It is then contended by them that the settlement was not for the benefit of the workmen and therefore it cannot be recorded by this court. However this settlement purports to dispose of many cases pending before this Tribunal and in number of cases the settlement has been acted upon and awards have been made in pursuance of settlement Ex. C/1. Once the settlement is acted upon it would be difficult now to back out from the settlement, be it attempted by the Management or by the Union. It would be appropriate to refer to the cases in which the settlement has been acted upon. They are H. S. Bhatia Vs. Central Bank of India, I. D. No. 147 of 1977 decided on 17-9-1977; Ram Singh Vs. Central Bank of India, I. D. No. 132 of 1977 and decided on 18-8-1977; Shri Vishal Mani Vs. Central Bank of India, I. D. No. 109 of 1977 decided on 1-9-1977; Ajit Kumar Sharma Vs. Central Bank of India, I. D. No. 101 of 1977 and decided on 5-9-1977; Baljeet Singh Vs. Central Bank of India, I. D. No. 103 of 1977 and decided on 5-9-1977; Bachan Singh Vs. Central Bank of India, I. D. No. 102/77 and decided on 5-9-1977 and K. L. Viji Vs. Central Bank of India, I. D. No. 117/77 decided on 5-9-1977. A photostat copy of the settlement Ex. C/1 was filed in I. D. 147/77 H. S. Bhatia Vs. Central Bank of India decided on 17-9-1977 and has been exhibited as Ex. C/1 in the said file. The settlement

of Shri R. K. Joshi and Shri H. L. Chhiber was recorded on the said line in which it was stated by them 'that parties have compromised vide Ex. C-1. This reference be disposed of by making a no dispute award.'

11. It would be difficult to accept the contention of the Union that this award Ex. C-1 did not settle the matter under reference. Settlement in fact has to be read as a whole and when it is so read no two opinions can be held about the fact that certainly this settlement settles all the cases which are subject matter of that settlement and it would no longer lie in the mouth of the union to back out therefrom. It was held in *India Tobacco Company Limited Vs. Govt. or West Bengal 1971 (7) LLJ-89* 'that the agreement or arrangement must decide some part of the dispute or some matter in the dispute or decide the procedure by which the dispute is to be resolved or effect the dispute in some manner or other or provide for some act or for bearance in relation to the dispute on the part of a party or parties to the dispute' and this is what had been done in the instant case and it cannot be said that this settlement Ex. C-1 does not resolve or settle this dispute before this Tribunal. It would be appropriate to refer in this behalf the principal of law laid down by the Hon'ble Supreme Court in *Sir Silk Limited Vs. Govt. of A. P.—1963(2)LLJ-647* which is another case on the point of compromise or settlement.

12. The settlement in the instant case has already been acted upon in number of cases and has been filed in *H. S. Bhatia Vs. Central Bank of India, I. D. No. 147 of 1977* decided on 17-9-1977 by this Tribunal and it would be too late in the day now to enable the Union to challenge the efficacy of the said settlement. From the perusal of the settlement it cannot be said that the settlement is not a valid settlement or that it was illegal or contra to the interest of the workman as a whole. Considering the number of disputes settled by it, it cannot be said that it is not a valid settlement. The settlement has been entered into between the Management and the Union and therefore it would be binding upon all of them and the parties cannot escape this settlement.

13. Accordingly I hold that the parties have settled the matter under reference vide agreement Ex. C/1 and accordingly in pursuance thereof a no dispute award is hereby made in the matter under reference. Parties are left to bear their own costs. Requisite copies of the award may be sent to the appropriate Govt.

Dated : 30-11-1977.

MAHESH CHANDRA, Presiding Officer

[F. No. L-12012/10/74-LR III]

S.O. 99.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the Central Bank of India, Chandigarh and their workmen, which was received by the Central Government on the 22nd December, 1977.

BEFORE SHRI MAHESH CHANDRA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I. D. No. 106 of 1977

In re :

The General Secretary,
Central Bank of India Employees Union Haryana,
146-A, Lalkurti, Ambala Cantt
Shri S. K. Dhir

Petitioner

Versus

The Zonal Manager,
Central Bank of India,
Chandigarh

Respondent.

PRESENT :

Shri R. K. Joshi for the Union.

Shri H. L. Chhiber for the Management.

AWARD

The Central Government as appropriate Government vide its order No. L 12012/69/74/LR III dated the 12th December, 1974 made the following reference to Industrial Tribunal, Chandigarh :

'Whether the action of the management of the Central bank of India, Chandigarh in dismissing Shri S. K. Dhir, Head Cashier, Rorka Khurd Branch is legal and justified ? If not, to what relief is he entitled ?'

2. On receipt of the reference usual notices were sent to the parties and the workman filed his statement of claim before the Industrial Tribunal, Chandigarh. Thereafter written statement was filed on behalf of the Central Bank of India and finally a replication was also filed to the written statement. The Industrial Tribunal, Chandigarh framed the following two issues for trial on 18th April, 1975 :—

1. Whether the management of the respondent Bank was justified in dismissing Shri S. K. Dhir, Head Cashier, Rorka Khurd Branch of the respondent bank ?

2. If issue No. 1 is found against the management and for the workman to what relief, if any, is the workman entitled ?

3. No other issue was claimed by the parties and as such the evidence of the Management was ordered to be recorded. Thereafter two preliminary issues were framed vide order dated 20th May, 1975 of Industrial Tribunal, Chandigarh in the following terms :—

Preliminary :

1. Whether the instant reference is bad in law and without jurisdiction for reasons stated in the application wherein it is pleaded, inter-alia, that the reference could be made only u/s 2-A of the Industrial Disputes Act as the alleged dispute is an individual one and that the reference u/s 10(1)(d) is without jurisdiction ?

2. Whether the management held an enquiry against Shri S. K. Dhir and that enquiry in order ?

4. Thereafter this case was transferred to Industrial Tribunal, Delhi and finally the case was received by transfer by this Tribunal vide order No. L. 12025(2)/76 D. II (A)/V-(B) dated the 13th May, 1977. After this case was received notices were issued and an application was filed by the Bank. From the perusal of the said application it transpired that it was contended by the Bank that a settlement was arrived at between the parties in joint discussions between the Management and the concerned union on 3rd and 4th August, 1976 and in consequence it was contended by the Bank that a no dispute award be passed in this reference. The said settlement is Annexure 'A' to the said application and is exhibited as Ex. C-1. Thereupon a reply was filed by the union in which it was admitted that certainly the settlement was arrived at between the parties. However it was submitted that the Bank has not implemented the said settlement and therefore the union did not think it fit to withdraw the case under reference. Thereupon the bank filed a rejoinder stating therein that the papers were in fact put up before the Managing Director who was of the view that the case does not warrant re-statement or for that matter any sympathetic consideration and as such a no dispute award be passed in the matter.

5. Statement of Shri R. K. Joshi for the union was recorded on 16-11-1977 wherein it is stated by him that 'Agreement C/1 was certainly entered into between the parties but the M. D. has maintained the termination' Thereafter arguments were heard in the matter.

6. I have gone through the file and the settlement and have also given my considered thought to the matter before me and I have come to the following findings :—

7. In order to arrive at any conclusion in the matter under reference it is necessary to go into the terms of the settlement. From the perusal of the said settlement Ex. C-1 I find that it has been entered into as a package deal

and in consequence some give and take appears to have taken place between the Management and the Union. The settlement has to be considered in this light and cannot be considered with reference to solitary case of the present workman involved in this case. When I perused the settlement Ex. C-1 in this background I find that certainly the matter under reference has been compromised and it would follow that a no dispute award must be made in this case.

8 In para 1 of the settlement it has been recited as follows :

'At the very outset, Management clarified that these bilateral discussions are being held for the purpose of settling all long pending cases of the Union relating to Chandigarh once for all with the clear understanding that hereinafter no individual units or its parent body would refer any matter before the conciliation officer/labour court/Tribunal/other courts/authorities and the cases pending before the said authorities shall be withdrawn by the Union to which the Union agreed to settled. The Management on their part agrees to discuss all issues referred to them from time to time first at the branch level and thereafter at Divisional and Zonal office level. Any issue/issues remaining unresolved after discussions at the lower levels shall ultimately be discussed at the Central Office level on being referred to them though the All India Central Bank Staff Federation. The unions agree to this procedure being followed by them. The Unions further want that the discussions should be fixed by the Management within a reasonable period of forty-five days from the date of reference of any issue to the appropriate authority by them and efforts made to resolve the disputes within a reasonable period.'

9. It is further made out in para 2 of the settlement that 'it is clearly understood by the parties that the issues of Chandigarh which are being taken up would be disposed of as a package deal i.e. all the issues would have to be settled simultaneously and the union on its part should approach the tribunal or appropriate authorities to withdraw the cases immediately as settled.'

This shows that the settlement was a package deal and on arriving this settlement it had become incumbent upon the union on its part to withdraw from these cases which were deemed as settled. Finally reference be made to para 6 of the said settlement Ex. C/1 wherein it has been provided that 'subject to the basic understanding between the management and the union that the following cases shall not be pursued before the Industrial Tribunal/Labour Courts but other avenues including arbitration (private as far as possible, if not under I. D. Act) shall be explored, the parties agree that the union shall submit its notes on each of these cases whereafter further mutual discussions shall be held to arrive at amicable settlement and if in a particular case, no settlement is reached, such cases would be referred to Managing Director :

1. Shri R. N. Ahuja, Clerk-cum-Typist.
2. Shri K. K. Trikha, Clerk.
3. Shri H. S. Bhatia, Clerk-cum-Typist.
4. Shri S. K. Dhir
5. Shri G. S. Gulati, Steno.

The said settlement is signed by Shri G. K. Awasthi, General Secretary, Shri Tara Chand Gupta, Joint Secretary and Shri A. L. Chopra, the Joint Secretary on behalf of the All India Central Bank Staff Federation and Shri D. K. Contractor, Asstt. General Manager and Shri H. J. Elavia, Manager (Personnel) on behalf of the Management of Central Bank of India. From the perusal of the terms of settlement it is established beyond any shadow of doubt that as a package deal the matter under reference stands compromised and settled and therefore it would follow that a no dispute award has to be passed in the instant case.

10. It has been urged by Shri Tara Chand Gupta and Shri R. K. Joshi that it was never their intention to agree to the withdrawal of the case if the decision of Managing Director went against the workman. However this cannot be read into the settlement. The terms of the settlement

are very clear. It is categorically about the settlement being a package deal and about the liability of the union to withdraw these cases immediately after the settlement was signed and therefore it cannot be said that there is any weight in the contention of Shri T. C. Gupta or Shri R. K. Joshi. It is then contended by them that the settlement was not for the benefit of the workmen and therefore it cannot be recorded by this court. However this settlement purports to dispose of many cases pending before this Tribunal and in number of cases the settlement has been acted upon and awards have been made in pursuance of settlement Ex. C/1. Once the settlement is acted upon it would be difficult now to back out from the settlement, be it attempted by the Management or by the Union. It would be appropriate to refer to the cases in which the settlement has been acted upon. They are H. S. Bhatia Vs. Central Bank of India, I. D. No. 147 of 1977 decided on 17-9-1977. Ram Singh Vs. Central Bank of India, I. D. No. 132 of 1977 and decided on 18-8-1977. Shri Vishal Mani Vs. Central Bank of India, I. D. No. 109 of 1977 decided on 1-9-1977. Ajit Kumar Sharma Vs. Central Bank of India, I. D. No. 101 of 1977 and decided on 5-9-1977. Baljeet Singh Vs. Central Bank of India, I. D. No. 103/77, I. D. No. 103 of 1977 and decided on 5-9-1977. Bachan Singh Vs. Central Bank of India, I. D. No. 102/77 and decided on 5-9-1977. K. I. Vig Vs. Central Bank of India, I. D. No. 117/77 decided on 5-9-1977. A photostat copy of the settlement Ex. C/1 was filed in I. D. No. 147/77 H. S. Bhatia Vs. Central Bank of India decided on 17-9-1977 and has been exhibited as Ex. C/1 in the said file. The statement of Shri R. K. Joshi and Shri H. L. Chibber was recorded on the said file in which it was stated by them 'that parties have compromised vide Ex. C/1. This reference be disposed of by making a no dispute award.'

11. It would be difficult to accept the contention of the Union that this award Ex. C/1 did not settle the matter under reference. Settlement in fact has to be read as a whole and when it is so read no two opinions can be held about the fact that certainly this settlement settles all the cases which are subject matter of that settlement and it would no longer lie in the mouth of the union to back out therefrom. It was held in Indian Tobacco Company Limited Vs. Government of West Bengal 1971(7)LLJ—89 'that the agreement or arrangement must decide some part of the dispute or some matter in the dispute or decide the procedure by which the dispute is to be resolved or effect the dispute in some manner or other or provide for some act or for bearance relation to the dispute on the part of a party or parties to the dispute' and this is what had been done in the instant case and it cannot be said that this settlement Ex. C/1 does not resolve or settle this dispute before this Tribunal. It would be appropriate to refer in this behalf the principal of law laid down by the Hon'ble Supreme Court in *Sir Silk Limited Vs. Government of A. P.*—1963(2) LLJ—647 which is another case on the point of compromise or settlement.

12. The settlement in the instant case has already been acted upon in number of cases and has been filed in H. S. Bhatia Vs. Central Bank of India, I. D. No. 147 of 1977 decided on 17-9-1977 by this Tribunal and it would be too late in the day now to enable the union to challenge the efficacy of the said settlement. From the perusal of the settlement it cannot be said that the settlement is not a valid settlement or that it was illegal or contra to the interest of the workman as a whole. Considering the number of dispute settled by it cannot be said that it is not a valid settlement. The settlement has been entered into between the Management and the Union and therefore it would be binding upon all of them and the parties cannot escape this settlement.

13. Accordingly I hold that the parties have settled the matter under reference vide agreement Ex. C/1 and accordingly in pursuance thereof a no dispute award is hereby made in the matter under reference. Parties are left to bear their own costs. Requisite copies of the award may be sent to the appropriate Government.

Dated: 30-11-1977.

MAHESH CHANDRA, Presiding Officer

[I. No. L-12012/69/74-L. R. III]

S.O. 100.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of Central Bank of India, Chandigarh and their workmen, which was received by the Central Government on the 22nd December, 1977:

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI.

I. D. No. 131 of 1977

In re :

The General Secretary,
Central Bank of India Employees' Union Haryana.
146-A, Lalkurti, Ambala Cantt.
(Shri R. N. Ahuja).

AND

The Zonal Manager,
Central Bank of India.
Chandigarh.

PRESENT

Shri R. K. Joshi, for—the Union.

Shri H. L. Chhibber for—the Management.

AWARD

The Central Govt. as appropriate Govt. vide its Order No. L. 12012/74/74-L.R. III dated the 25th November, 1974 made the following reference to Industrial Tribunal, Chandigarh :

In the Management of the Central Bank of India, Zonal Office, Chandigarh justified in denying promotional opportunities or officiating chances to Shri R. N. Ahuja, Clerk-cum-Typist of Civil Lines Branch, Rohtak ? If not, to what relief is he entitled ?

2. On receipt of the reference usual notices were sent to the parties and the workman filed his statement of claim before the Industrial Tribunal, Chandigarh. Thereafter written statement was filed on behalf of the Central Bank of India and finally a replication was also filed to the written statement. The Industrial Tribunal, Chandigarh framed the following issues for trial on 18-4-1975 :—

1. Whether promotion opportunities and officiating chances have been justifiably denied to Shri R. N. Ahuja, Clerk-cum-Typist employed in Civil Lines, Rohtak Branch of the respondent Bank ?
2. Did Shri Ahuja the concerned workman, qualify for promotion in the State Services Test and does that qualification give a right to the person to claim promotion no matter whether at the time he qualified for promotion he was facing an enquiry for any misconduct ?
3. Whether the charge sheets had been served on the workman as an act of victimisation and if so, what is its effect or is the enquiry being prolonged only to deprive the workman of his right to promotion.

4. Relief.

3. No other issue was claimed by the parties and as such the evidence of the Management was ordered to be recorded. Thereafter two witnesses of the Management was recorded and it was thereafter that the Management closed its evidence and then two witnesses of the workman were recorded and the case was then adjourned to 21-1-1976. Thereafter this case was transferred to Industrial Tribunal, Delhi and finally the case was received by transfer by this Tribunal vide order No. L-12025(21)/76-D. II(A)/D. IV(B) dated the 13th May, 1977. After this case was received notices were issued and an application was filed by the Bank. From the perusal of the said application it transpired that it was contended by the Bank that a settlement was arrived at between the parties in joint discussions between the

Management and the concerned union on 3rd and 4th August, 1976 and in consequence it was contended by the Bank that a no dispute award be passed in this reference. The said settlement is Annexure 'A' to the said application and is exhibited as Ex. C-1. Thereupon a reply was held by the union in which it was admitted that certainly the settlement was arrived at between the parties. However it was submitted that the Bank has not implemented the said settlement and therefore the union did not think it fit to withdraw the case under reference. Thereupon the bank filed a rejoinder stating therein that the papers were in fact put up before Managing Director who was of the view that the case does not warrant any further consideration and as such a no dispute award be passed in the matter.

5. Statement of Shri R. K. Joshi for the union was recorded on 16-11-1977 wherein it is stated by him that 'Agreement C/1 was certainly entered into between the parties but the M.D. has maintained the termination'. Thereafter arguments were heard in the matter.

6. I have gone through the file and the settlement and have also given my considered thought to the matter before me and I have come to the following findings :

7. In order to arrive at any conclusion in the matter under reference it is necessary to go into the terms of the settlement. From the perusal of the said settlement Ex. C-1 I find that it has been entered into as a package deal and in consequence some give and take appears to have taken place between the Management and the Union. The settlement has to be considered in this light and cannot be considered with reference to solitary case of the present workman involved in this case. When I peruse the settlement Ex. C-1 in this background I find that certainly the matter under reference has been compromised and it would follow that a no dispute award must be made in this case.

8. In para 1 of the settlement it has been recited as follows :—

'At the very outset, Management clarified that these bilateral discussions are being held for the purpose of settling all long pending cases of the Union relating to Chandigarh once for all with the clear understanding that hereinafter no individual units or its parent body would refer any matter before the conciliation officer/labour court/Tribunal/other courts/authorities and the cases pending before the said authorities shall be withdrawn by the Union to which the Union agreed to settle. The Management on their part agrees to discuss all issues referred to them from time to time first at the branch level and thereafter at Divisional and Zonal office level. Any issue/issues remaining unresolved after discussions at the lower levels shall ultimately be discussed at the Central Office level on being referred to them though the All India Central Bank Staff Federation. The Unions agree to this procedure being followed by them. The Unions further want that the discussions should be fixed by the Management within a reasonable period of forty-five days from the date of reference of any issue to the appropriate authority by them and efforts made to resolve the dispute within a reasonable period.'

9. It is further made out in para 2 of the settlement that 'it is clearly understood by the parties that the issues of Chandigarh which are being taken up would be disposed of as a package deal i.e. all the issues would have to be settled simultaneously and the union on its part should approach the tribunal or appropriate authorities to withdraw the cases immediately as settled.'

This shows that the settlement was a package deal and on arriving this settlement it had become incumbent upon the union on its part to withdraw from these cases which were deemed as settled. Finally reference be made to para 6 of the said settlement Ex. C/1 wherein it has been provided that 'subject to the basic understanding between the Management and the union that the following cases shall not be pursued before the Industrial Tribunal/Labour Courts but other avenues including arbitration (private as far as possible, if not under I.D. Act) shall be explored, the parties agree that the union shall submit its notes on each of these cases whereafter further mutual discussions shall be held to arrive at amicable

settlement and if in a particular case, no settlement is reached, such cases would be referred to Managing Director :

1. Shri R. N. Ahuja, Clerk-cum-Typist
2. Shri K. K. Trikha, Clerk
3. Shri H. S. Bhatia, Clerk-cum-Typist
4. Shri S. K. Dhir
5. Shri G. S. Gulati, Steno

The said settlement is signed by Shri G. K. Awasthi, General Secretary, Shri Tara Chand Gupta, Joint Secretary and Shri A. L. Chopra, the Joint Secretary on behalf of the All India Central Bank Staff Federation and Shri D. K. Contractor, Asst. General Manager and Shri H. J. Elavia, Manager (Personnel) on behalf of the Management of Central Bank of India. From the perusal of the terms of settlement it is established beyond any shadow of doubt that as a package deal the matter under reference stands compromised and settled and therefore it would follow that a no dispute award has to be passed in the instant case.

10. It has been urged by Shri Tara Chand Gupta and Shri S. K. Joshi that it was never their intention to agree to the withdrawal of the case if the decision of Managing Director went against the workman. However this cannot be read into the settlement. The terms of the settlement are very clear. It is categorical about the settlement being a package deal and about the liability of the union to withdraw these cases immediately after the settlement was signed and therefore it cannot be said that there is any weight in the contention of Shri T. C. Gupta or Shri R. K. Joshi. It is then contended by them that the settlement was not for the benefit of the workmen and therefore it cannot be recorded by this court. However this settlement purports to dispose of many cases pending before this Tribunal and in number of cases the settlement has been acted upon and awards have been made in pursuance of settlement Ex. C/1. Once the settlement is acted upon it would be difficult now to back out from the settlement, be it attempted by the Management or by the Union. It would be appropriate to refer to the cases in which the settlement has been acted upon. They are H. S. Bhatia Vs. Central Bank of India, I. D. No. 147 of 1977 decided on 17-9-1977; Ram Singh Vs. Central Bank of India, I. D. No. 132 of 1977 and decided on 18-8-1977; Shri Vishal Mani Vs. Central Bank of India, I. D. No. 109 of 1977 decided on 1-9-1977; Ajit Kumar Sharma Vs. Central Bank of India, I. D. No. 101 of 1977 and decided on 5-9-1977; Baljeet Singh Vs. Central Bank of India, I. D. 103/77, I. D. 103 of 1977 and decided on 5-9-1977; Bachan Singh Vs. Central Bank of India, I. D. No. 102/77 and decided on 5-9-1977 and K. L. Vig Vs. Central Bank of India, I. D. No. 117/77 decided on 5-9-1977. A photostat copy of the settlement Ex. C/1 was filed in I. D. No. 147/77 H. S. Bhatia Vs. Central Bank of India decided on 17-9-1977 and has been exhibited as Ex. C/1 in the said file. The statement of Shri R. K. Joshi and Shri H. L. Chhibber was recorded on the said file in which it was stated by them 'that parties have compromised vide Ex. C-1. This reference be disposed of by making a no dispute award.'

11. It would be difficult to accept the contention of the Union that this award Ex. C-1 did not settle the matter under reference. Settlement in fact has to be read as a whole and when it is so read no two opinions can be held about the fact that certainly this settlement settles all the cases which are subject matter of that settlement and it would no longer lie in the mouth of the union to back out therefrom. It was held in India Tobacco Company Limited Vs. Govt. of West Bengal 1971(7)111-89 'that the agreement or arrangement must decide some part of the dispute or some matter in the dispute or decide the procedure by which the dispute is to be resolved or effect the dispute in some manner or other or provide for some act or for bearingance in relation to the dispute on the part of a party or parties to the dispute' and this is what had been done in the instant case and it cannot be said that this settlement Ex. C-1 does not resolve or settle this dispute before this Tribunal. It would be appropriate to refer in this behalf the principal of law laid down by the Hon'ble Supreme Court in *Sir Silk Limited Vs. Govt. of A.P.*—1963(2) LLJ—647 which is another case on the point of compromise or settlement.

12. The settlement in the instant case has already been acted upon in number of cases and has been filed in H. S. Bhatia Vs. Central Bank of India, I.D. No. 147 of 1977 decided on 17-9-1977 by this Tribunal and it would be too late in the day now to enable the Union to challenge the efficacy of the said settlement. From the perusal of the settlement it cannot be said that the settlement is not a valid settlement or that it was illegal or contra to the interest of the workman as a whole. Considering the number of disputes settled by it, it cannot be said that it is not a valid settlement. The settlement has been entered into between the Management and the Union and therefore it would be binding upon all of them and the parties cannot escape this settlement.

13. Accordingly I hold that the parties have settled the matter under reference vide agreement Ex. C/1 and accordingly in pursuance thereof a no dispute award is hereby made in the matter under reference. Parties are left to bear their own costs. Requisite copies of the award may be sent to the appropriate Govt.
Dated : 30-11-1977.

MAHESH CHANDRA, Presiding Officer

[F. No. L-12012/74/74-LR. III]

S.O. 101.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of United Commercial Bank, Lucknow and their workmen, which was received by the Central Government on the 22-12-77

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL—

CUM-LABOUR COURT, NEW DELHI

I.D. No. 180 of 1977

In re :

Secretary, U.P. Bank Employees Association Ashok Bhawan, Kutubkhana, Subzi Mandi, Bareilly.

... Petitioner.

Versus

The Assistant General Manager, United Commercial Bank, Central Zone, 23, Vidhan Sabha Marg, Lucknow.

... Respondent.

AWARD

The Central Govt. vide its order No. L-12012/119/74/LR/III dated the 20th February, 1975 made a reference as appropriate Govt. to Industrial Tribunal, Kanpur in the following terms :

Whether the action of the Management in terminating the services of Shri Prahlad Prakash of the United Commercial Bank, Gadarpur Branch District Naini Tal is justified? If not, to what relief is he entitled?

2. The reference was registered and requisite notices were sent to the respective parties but ultimately none appeared before the Industrial Tribunal, Kanpur and in the meanwhile the term of the Presiding Officer has expired this case was transferred vide order dated 3-6-1976 of the appropriate Govt. to Industrial Tribunal, Delhi and ultimately the case was transferred to this Tribunal vide order No. 12025(21)/76-D. II(B) dated the 13th May, 1977 and it is in these circumstances that this matter has come up for disposal before this Tribunal.

3. On receipt of this reference by transfer it was ordered to be registered and notices were ordered to be sent to the respective parties. None appeared for the workman but Shri G. D. Chandwani, the Divisional Manager for the Bank appeared on 12th September, 1977. Thereupon a fresh registered notice was ordered to be issued to the U. P. Bank Employees' Association and the workman but none appeared for the Association in spite of service of the notice twice and consequently ex-parte proceedings were ordered against the

workman vide my order dated 26-11-1977 and ex parte evidence was recorded. The ex parte evidence of the Bank consists of statement of Shri G. D. Chandwani in which he has stated that the service of Shri Prahlad Prakash were in the first instance terminated by the bank as his work was not satisfactory and it was not found proper to continue him in service. His probation period also was extended but he showed no improvement. Thereafter the workman resigned of his job of his own accord. He is now in service in another place and is no longer interested in this matter. He then tendered all the documents on record into evidence and closed his evidence.

4. I have perused the statement filed by the Bank and also the ex parte evidence and have given my considered thought to the matter before me. The Bank has filed attested copy of letter Ex. C-1 addressed to Industrial Tribunal, Kanpur which is dated 13-1-1976 and it is stated therein that the workman has joined another service and he has dropped the idea to serve the Bank and hence will not press for service and wants to withdraw from the case. In the said letter it is prayed by him that the case may be filed. When I considered the matter in the light of statement of Shri Chandwani read with the letter dated 13-1-1976 of the workman and the letter dated 19-2-1976 of Shri N. K. Tripathi filed on this file, I find that the workman is no longer interested in this matter and as such an ex parte award of no dispute is made in this reference. Requisite number of copies of this award may be sent to the appropriate Govt. for necessary action.

Dated : 28th November, 1977.

MAHESH CHANDRA, Presiding Officer

[No. L-12012/119/74-LR III/D. II. A]

S.O. 102.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of Central Bank of India, Chandigarh and their workman, which was received by the Central Government on the 22nd December, 1977.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I.D. No. 100 of 1977

In re :

The General Secretary,
Central Bank of India Employees' Union,
Haryana, Ambala Cantt.
(Regarding G. S. Gulati). .. Petitioner.

Versus

The Zonal Manager,
Central Bank of India,
Chandigarh. .. Respondent.

PRESENT :

Shri R. K. Joshi—for the workman

Shri H. L. Chhibber—for the Management.

AWARD

The Central Govt. vide its order No. L-12012/111/74/LR-III dated the 6th February, 1975 made a reference in this matter to Shri H. R. Sodhi, Industrial Tribunal, Punjab in the following terms :

'Whether the action of the management of the Central Bank of India, Chandigarh in not giving officers' scale of pay to Shri G. S. Gulati, Steno-typist-cum-clerk to the Chief Internal Auditor, Chandigarh is legal and justified? If not, to what relief is the workman entitled?

2. Thereafter due to certain circumstances the reference was transferred to Industrial Tribunal, Delhi and finally it has come before this Tribunal by way of transfer by the appropriate Government.

3. The parties had filed their respective statements of claim and written statements. Whereupon following issues were framed by Shri H. R. Sodhi vide order dated the 19th April, 1975 for adjudication :

Preliminary :

Whether there exists no industrial dispute within the meaning of Section 2K of the Industrial Disputes Act for reasons stated in para 1 of the written statement wherein it is pleaded inter alia that :

(i) there was no proper cognisance of the dispute by a substantial number of the workmen of the respondent bank, nor by any representative union; and

(ii) that no demand was made on the management affording them an opportunity to consider the same and consequently there was no industrial dispute.

On Merits :

1. Whether the action of the management of the respondent bank in not giving officers' scale of pay to Shri G. S. Gulati employed as Steno-typist-cum-clerk to the Chief Internal Auditor was legal and justified?

2. If issue No. 1 is decided against the management and for the workman to what relief, if any, is the workman entitled?

4. Thereafter evidence was ordered to be recorded and evidence was in fact recorded. Finally the Bank—Management filed a settlement alleged to have been arrived at between the parties in this matter and the said settlement is Ex. C/1. Ex. C/1 is the photostat copy of the settlement arrived at between the parties. Thereupon statement of Shri R. K. Joshi, Asstt. General Secretary of the Union was recorded in which Shri Joshi has submitted that 'it is conceded and admitted the settlement attested copy whereof is C/1 was entered into between the Bank and the union and it was entered into between the award would be made by this Tribunal in this matter but the bank has not so far promoted Shri Gulati and an award of no dispute may be made'.

5. I have perused the settlement Ex. C/1 which appears to have been entered into as a package deal between the parties and it is reasonable and justified and accordingly the settlement is recorded and a no dispute award in terms of the settlement Ex. C/1 which would form part of this award as Annexure 'A' is hereby made in the matter under reference. The requisite copies of the award may be sent to the appropriate Govt. for necessary action.

Dated : 30-11-1977.

MAHESH CHANDRA, Presiding Officer

[F. No. L-12012/111/74-LR III]

New Delhi, the 9th January, 1978

S.O. 103.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, in the industrial dispute between the employers in relation to the management of Diamond Mining Project of M/s. National Mineral Development Corporation Limited, Panna (M.P.) and their workman Shri S. P. Jadia, Junior Diamond Classifier, which was received by the Central Government on 19-12-77.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT: JABALPUR

Case No. CGIT/LC(R) (3) of 1977

PARTIES:

Employers in relation to the Management of Diamond Mining Project of M/s. National Mineral Development Corporation Limited, Panna and their workman Shri S. P. Jadia, Junior Diamond Classifier, Ramkheria Mines through the General Secretary, M. P. Rashtriya Heera Khani Mazdoor Sanstha, P.O. Panna (M.P.).

APPEARANCES:

For Management.—Shri A. P. Tare, Advocate

For Workman.—Shri Gulab Gupta, Advocate.

INDUSTRY: Diamond Mine. DISTRICT: Panna (M.P.)

Jabalpur, the 12th December, 1977

AWARD

This is a reference made by the Government of India in the Ministry of Labour, vide its order No. L-29012/3/74-LR-IV, dated 8-3-1977 for the adjudication of the following industrial dispute:

“Whether the action of the management of Diamond Mining Project of M/s. National Mineral Development Corporation Ltd., Panna in dismissing Sri S. P. Jadia, Junior Diamond Classifier, Ram Kheria Mine, with effect from 8-3-1973, is justified?”

If not, to what relief is the workman entitled?”

2. Following undisputed facts emerge out of the pleadings of the parties. Shri S. P. Jadia workman was junior diamond classifier since August 1967. There was no complaint against his work or integrity. On 31-12-1971 six diamonds were recovered, one of which was a big diamond of 5.12 carats. Such recoveries create a sensation in the whole unit. Sri Jadia as usual weighed and classified those diamonds and separately wrapped them in paper pieces. All such wrapped diamond pieces were placed on a tray which was then introduced into the safe of which the key was kept by Sri Ram Pershad. As per practice though the key of the safe remained with Ram Pershad yet the safe and its contents (classified or unclassified diamonds recovered that day) remained in the custody of Sri Jadia who in fact handed over formal charge of the contents at the close of the day.

3. That day a few visitors related to Sri Vedprakash, Security Guard, came after seeking due permission. The Tray was taken out by Sri Jadia and the diamond pieces were shown to the visitors by Sri Ved Prakash. Thereafter that tray was replaced in the safe. At about 4.30 P.M. the Mine Manager and other officers came to see the big diamond. The tray was again taken out for showing the diamonds to those officers but this time the wrapping over the big diamond (PUDIA) was found empty and the diamond was missing. Vigorous search was launched forthwith inside the room where Sri Jadia used to sit. That room was as usual heavily guarded by the security guards. The mines Manager located the diamond piece which was lying near the almirah on a raised cemented small strip of the platform. It was picked up by Sri Ved Prakash, re-wrapped in a pudia (piece of paper) and kept with the tray and other diamond pieces into the safe.

4. Sri U. S. Bajpai was appointed as enquiry officer. He examined listed witnesses and one witness Sri Ved Prakash was called and examined by the Enquiry Officer himself in exercise of his powers to examine any person who is acquainted with the facts of the case. No defence was produced. Enquiry Officer found Sri Jadia guilty of attempted pilferage of the diamond piece. The charge was reported as established. Disciplinary officer accepted the findings and after due notice to show cause imposed the penalty of dismissal from service.

5. Workman's case is that proper opportunity to defend was not given to him in as much as.

(i) Permission to engage a lawyer was not allowed,

(ii) the previous enquiry reports of the Security Officers were not supplied till it was too late,

(iii) Sri Ved Prakash was not a listed witness. His name was subsequently introduced in the report of Sri Bajpai, the Enquiry Officer thus committed an act which was wholly undesirable,

(iv) the findings were based on no evidence hence they were perverse and vitiated the enquiry; and lastly the

(v) punishment awarded was too harsh and did not take the past clear record of the delinquent into consideration.

6. Management has denied these allegations and raised the plea of loss of confidence. Hence in any case reinstatement has been vehemently opposed. It is said that by a mere accidental fall from the pudia the diamond could not have reached the small strip of raised platform where it was found near the almirah.

7. The Management did not express any desire to adduce additional evidence. It only asserted that in case it is found that proper opportunity was not given by the Enquiry Officer, the witnesses may be recalled and re-examined or cross examined, but both sides agreed that if the conclusions of enquiry officer were not found perverse inasmuch as there was error in appreciating the evidence on record, the Tribunal could proceed forthwith to evaluate the evidence of the Management and arrive at its own conclusions. In the last case there will be no need for the Management to recall the witnesses or adduce any further evidence before the Tribunal.

8. A perusal of the Enquiry file goes to show that a prayer seeking permission to engage a lawyer was contained in the reply to the charge which was submitted to the disciplinary authority—the General Manager, because charge sheet had been signed by him. Till that time Enquiry Officer had not been appointed. The disciplinary authority vide his letter dated 15-4-1972 (page 27 of Enquiry file) refused to grant such permission.

9. According to Rule 8(8) of N.M.D.C. Employees' (Control and Appeal) Rules, 1972 such a permission could be granted or refused only by the disciplinary authority. The request was therefore addressed to the proper authority and was turned down by a competent person.

10. Now the question is whether the discretion was properly exercised in refusing the assistance of an advocate and whether such refusal has prejudiced the delinquent employee in his defence. In Brooke Bond India (Pvt.) Ltd Vs. S. Subha Raman 4 SCLJ 2560 the Enquiry Officer refused permission to the delinquent employee to be represented by an advocate. The delinquent thereupon withdrew and the enquiry was held ex parte. The Supreme Court held that “in view of the decision in Kalindi's case 1960 (II) LLJ 228 S.C., we cannot agree that as a counsel or an outsider was not allowed to appear on behalf of the employees there was no fair or foul inquiry in the case”. Neither N.M.D.C. Rules, 1972 cited above nor the general law concedes any such general right to a delinquent employee. He has therefore to specifically plead and show as to how in the special nature of the facts and circumstances of the case, he was prejudiced in his defence because of the said refusal to permit him the assistance of an advocate.

11. There are no specific pleadings on the point nor the learned counsel for the employee has been able to show as to how his client was handicapped in his defence on account of such refusal. Sri Jadia is a matriculate and had been in service for about 5 years. His cross examination reveals that he consulted a lawyer and his reply to the charge was prepared by a legal expert. The nature and length of cross examination done by him to indicate his capability to deal with the situation without the assistance of an advocate. In similar circumstances refusal to permit assistance of a lawyer to a plucked matriculate was held to be not unjustified in Narayan Das Vs. State of Orissa AIR 1968 Orissa 14.

12. Though the charge was of criminal nature yet the evidence adduced was of factual character. Even if the case was of criminal nature and depended upon circumstantial evidence yet the way in which and the details with which Sri Jadia has meticulously cross examined the witnesses on crucial points as said above indicates his grasp of the case and certifies that no material prejudice was caused to him by such exercise of discretion by the disciplinary authority. Learned counsel for the workman has not shown to me how his client was prejudiced by the refusal of permission to engage a lawyer, specially when even a presenting officer was not engaged by the Management. The Enquiry Officer was not a man of law and so was the case with the witnesses.

13. To sum up no intricate question of law is involved, circumstances are of factual character, no law knowing man was pitted against the delinquent, who was capable of defending himself, hence refusal to grant permission to engage a lawyer cannot be said to be capricious exercise of discretion.

14. Vide request made in the application dated 10-3-1972 (page 14 of Enquiry File addressed to General Manager Shri Jadia asked the copies of the reports of enquiries made by Sri K. B. Nagar and by Sri G. S. Khuntia. The Management did not want to place reliance on these two documents hence it was not under an obligation to supply their copies to the delinquent. Moreover vide para 6 of the letter dated 15-4-72 (page 27 of Enquiry File) the delinquent was permitted to go through these documents after contacting the Administrative Officer. Copy of the letter of Sri Khuntia dated 1-1-1972 was supplied and at first it was asserted that no report of Sri Mani Raj Singh, Inspector was on record, later on the two reports Ex. W-1 and W-2 were supplied to him as admitted by Sri Jadia W.W.I. None of such reports was relied upon by the Enquiry Officer. The workman has failed to show as to how he was prejudiced in his defence under these circumstances. I am thus of the view that the delinquent was not prejudiced on this count and the Management acted fairly.

15. Learned counsel for the workman tried to raise a mole hill out of the omission of Sri Ved Prakash's name in the copy of the report of Enquiry Officer which was supplied to his client alongwith the notice to show cause against proposed penalty. According to him Sri Ved Prakash was in fact not examined as a witness nor was named as a witness by the Management. Enquiry Officer relied upon his previous statement and therefore interpolated his name in the list of examined witnesses on the first page of original report. This interpolation was made after the supply of the copy of the report to the delinquent and such a surreptitious interpolation not only vitiated the report but also introduced an element of bias and misconduct on the part of the Enquiry Officer.

16. The Enquiry File contains the statement of Sri Ved Prakash recorded on 8/9/1972. It runs into about 20 pages (Sheets 70—61 of Enquiry File) of which 16 pages are covered by the cross examination of that witness by Shri Jadia. Each page has been signed by the delinquent and the Enquiry Officer. Sri Jadia put the date of 8/9/1972 under his signatures. His vague denial about putting the date carries no weight. Prior to this witness the Enquiry Officer had examined three other witnesses on 9/8/1972 and 11/8/72. Their statements disclosed that Sri Ved Prakash, Constable (Security Guard) was present. The Enquiry Officer has deposed on oath that under the circumstances he thought it fit to call and record the statement of Sri Ved Prakash. He wrote a Memo. (Page 59 of Enquiry File) on 7/9/1972 to the Mines Manager Ram Khiria to call and produce Sri Ved Prakash on 8/8/1972 at 10.30 A.M. Sri Jadia was telling an obvious lie when he stated that Sri Ved Prakash was examined by the Security Officer and not by the Enquiry Officer. The statement nowhere bears the signature of Security Officer. On the other hand each page of it is signed by the Enquiry Officer. Under the circumstances it is clearly established beyond shadow of doubt that though Sri Ved Prakash was not listed as a witness by the Management, he was called and examined by the Enquiry Officer and was cross-examined in details by the delinquent, during the course of enquiry on 8/9/1972. The enquiry officer had the right to call for such new evidence vide Rule 8(15) of NMDC Control and Appeal Rules.

17. The evidence of Sri Ved Prakash has been discussed in the body of the report, hence mere omission to mention his name in the list of witnesses on the first page is of little consequence.

18. It would have been better if the omission would have been left where it was. An attempt to introduce the name of Sri Ved Prakash subsequently on the first page of the original report as witness No. 6 was nothing but a foolish attempt of the Management to temper with the record unnecessarily and the Enquiry Officer should not have succumbed to such a pressure for doing something which was nothing short of a criminal offence, and the worst of it was to super-impose the interpolation by a false statement of denial of such interpolation, made before me on oath. I am emphatic about such subsequent interpolation for the following reasons :—

The statements of the witnesses have been tagged in the Enquiry File as per following seriatum—

1. Sri G. S. Khuntia	Page No. 38—43.
2. Sri A. P. Sahu	Page No. 46—49
3. Sri R. Prasad	Page No. 50-51
4. Sri Ved Prakash	Page No. 61—70.
5. Sri Prem Chand	Page No. 72—76
6. Sri G. R. Bahar	Page No. 86.

All the names in the list on the first page were typed in the same seriatum omitting the name of Sri Ved Prakash. Omitted name of Sri Ved Prakash was then supplied as the sixth name in the end by green ink whereas the Enquiry Officer signed that page and other pages and corrected other errors on pages 10 and 13 in blue ink. It is not clear why when he was using blue ink pen, he changed it and introduced the name of Sri Ved Prakash in green ink. He states that he left it upon the typist to correct the copy. In the original the corrections are only on pages 1, 10 and 13. The copy Ex. W-3 goes to show that the typist did introduce all corrections on pages 10 and 13. He was thus not negligent about his duty to comply with the directions. It cannot be believed that he failed to notice the green ink introduction of the name of Sri Ved Prakash on the first page in the original and follow it up in the copy even when he was meticulous in introducing other corrections on pages 10 and 13. The typist has not been examined for proving such a fact and the workman lost the opportunity to elicit the truth from him. I am therefore inclined to hold that though Sri Ved Prakash was examined by the Enquiry Officer he accidentally omitted to enlist his name on the first page of the report even when he discussed and relied upon his evidence in the body of the report. The name of Sri Ved Prakash seems to have been interpolated in the original subsequently in a fit of nervousness when the workman raised such a plea in the written statement before this Tribunal and the interpolation was dishonestly antedated when infact the Management could have easily taken up the plea that it was merely an accidental omission.

19. However, this subsequent indiscreet act of bad faith done by the Enquiry Officer does not in any way vitiate the fairness of the Enquiry because the enquiry appears to have been conducted fairly as discussed above and this subsequent act appears to have been done in a fit of nervousness of the Management. Succumbing to pressure of the Management at this subsequent stage does not mean that the enquiry officer was biased or acted under pressure even at the earlier stage when he conducted the enquiry.

20. This brings us to the plea that findings of the Enquiry Officer were based on no evidence. If all the witnesses examined by the Enquiry Officer are believed in toto, they only go to prove that on 31st December 1974 six diamonds were recovered one of which was 5.12 carats. Sri Jadia made all relevant entries in various registers weighed and classified the diamonds and kept them on a tray wrapped in paper packets and the tray was kept in the safe of which the key was with Sri Ram Pershad. The possession of the contents of the safe continued with him even if the key of the safe was with Sri Ram Pershad as according to the practice the possession would have stood transferred to Sri Ram Pershad at the end of the working hours of the day after handing over the formal charge of the gems.

21. The diamonds were taken out in the tray and were shown to the visitors by Sri Ved Prakash. He returned the tray to Sri Jadia who placed it in the safe again. When after sometime the tray was again taken out for showing the prize gem to the mines manager it was discovered that the paper wrapper of that diamond was empty though it was still in that formed shape. On being searched the mines manager saw a shining piece on a small strip of raised cemented platform near the Almirah. It was picked up by Sri Ved Prakash and Sri Jadia confirmed that it was the same diamond which was missing from the *pudia*.

22. From the evidence the Enquiry Officer jumped to the inference that Sri Jadia whose room was well guarded intentionally placed the diamond there and kept the empty *pudia* in the safe so that if he could succeed in handing over charge to Sri Ram Pershad on faith and pass the empty *pudia* as diamond wrapped in paper. He could carry the gem with him to his house as he was not being searched vigorously by the guards. This according to the Enquiry Officer amounted to the offence of attempt to pilfer the diamond piece. His dishonest intention is inferred from the fact that on the arrival of the Mines Manager Sri Jadia did not show enthusiasm by first disclosing this fact to him that a big diamond piece had been recovered that day. Secondly the inference of guilt is based on the experiment of dropping the gem which never reached that place again where it was found.

23. I am of the view that even if all the evidence on record is believed to the fullest extent no reasonable man could raise inference of guilt which was drawn by the Enquiry Officer. Firstly every time a gem is dropped from a given height it will reach a different place depending upon the surface of the diamond piece and its angle that touches the part of the earth, the position, roughness and angle of the earth at the point of contact which may vary every time, the velocity, the places where it dashes on the nature of the surface etc. where the velocity and momentum come to be neutralised, play important part in the falling piece taking a particular position after the fall. As all these factors or at least some of them are likely to differ every time the resultant position of the fallen diamond piece will always vary unless the ideal situation is repeated with meticulous accuracy which is almost impossible in such a crude experiment. Thus from such a faulty experiment it was wholly unwarranted to draw the inference that the diamond must not have fallen accidentally from the tray and could be there only because it was so placed intentionally.

24. It was found lying uncovered on an open platform. It was neither wrapped nor covered by any piece of paper and could be easily seen by a man standing in front of the table in a bit bent position as the Mines Manager was standing and could see it. This indicates total absence of an attempt to keep it safely away from the sight of others. It negatives the *mens rea* and speaks of its innocent presence at the particular point.

25. Sri Ram Chand Havildar and Sri Khutia Mines Manager did state that Sri Jadia was bewildered to find that the *pudia* was empty when he wanted to show the big diamond to the Mines Manager. This conduct again speaks of his innocence.

26. Sri Khutia, Mines Manager stated that on reaching there he himself questioned Sri R. Prasad whether some big piece had been recovered that day. On this Sri R. Prasad gave a reply in affirmative. When two senior officers were talking to each other how was it expected of Mr. Jadia to intervene and show the enthusiasm of giving the first disclosure to the Mines Manager about the recovery of the big piece? Common courtesy demanded that he should have remained silent till the Mines Manager was talking to another senior officer. Under the circumstances no adverse inference could be drawn against Sri Jadia on account of his proper and natural behaviour and silence.

27. The evidence does not rule out the probability that while the tray was being reintroduced in the safe after the visitors had seen the diamonds the big diamond piece slipped away and fell down unnoticed and Sri Jadia innocently remained under the impression that the *pudia* was not empty. The mischief by Sri Ved Prakash who was under orders of transfer could also not be ruled out. He as a Security Guard could always, after the close of the day, pick up the diamond piece and take it away with him.

28. Last but not the least is the fact that even if the unwarranted inference is raised that Sri Jadia placed the diamond there where it was found, the possession of the diamond piece whether in safe or outside remained with Sri Jadia. He had not made any attempt to keep possession of that diamond piece with him and pass off the empty *pudia* as containing the diamond. According to the last act theory the difference between preparation and attempt is that he former transforms into the latter only when the last act within the control of the criminal is performed which if not snapped by circumstances beyond his control would result in the commission of the substantive crime.

29. In the present case at worst the act of placing the diamond there where it was found, only amounted to preparation. After this act Sri Jadia had to handover charge to Sri Ram Pershad in the evening. At that time he would have been required to show that diamond piece to him. Sri Ram Pershad would not have taken the *pudia* for granted specially when a sensational diamond piece was concerned. For an attempt it was necessary for Sri Jadia to pass off that empty *pudia* as containing the diamond piece. Then again he should have made an attempt to pick up the diamond piece from the platform after handing over the charge, hide it on his person so as to escape the notice of the guards around the room and ultimately at the check post. Before any of these stages he could change his mind and thus himself avoid the commission of theft. Under the circumstances even if the unwarranted inference is drawn that he secreted the diamond on that raised platform it did not amount to an offence of attempt to pilfer the diamond piece. The finding was thus perverse. No reasonable man could have come to such a conclusion of guilt as was drawn by the Enquiry Officer.

30. The case was based on circumstantial evidence as no one had seen Sri Jadia secreting the diamond piece. It is the settled law that a criminal court would convict an accused only when the circumstantial evidence proved on record is incompatible with his innocence and admits of no other explanation on any other reasonable hypothesis. The same principle should more or less govern the evaluation of evidence by the Enquiry Officer in coming to a finding of guilt, though not with the rigidity of a criminal court so as to rule out at least the punishments based on mere suspicious and surmises.

31. The finding of guilt on a charge of attempted pilferage did call for the punishment of dismissal from the service of such a project where confidence is the first basic qualification but as discussed above the charge was not established at all. Even a case of giving benefit of doubt was not there. The character and conduct of the workman stood fully vindicated so far as that charge was concerned. Under the circumstances the plea of loss of confidence cannot be entertained.

32. However from the circumstances proved it is clearly established that Sri Jadia was grossly negligent in dealing with the precious stone otherwise it could not have fallen down. The punishment of dismissal from service for the proved first gross negligence appears to be too harsh looking to the past clean career of the workman. I am therefore inclined to interfere with the finding and sentence in exercise of my powers under section 11-A of Industrial Disputes Act.

33. Sri Jadia is therefore found guilty of gross negligence and is ordered to be reinstated in service with effect from the date following the expiry of two months from the date of publication of this Award, but shall be placed at the initial stage of the scale of pay of his grade by way of punishment. The punishment of dismissal awarded by the disciplinary authority is set aside. From the date of said dismissal to the date following the expiry of two months from the date of publication of this award, he shall be treated on leave without pay. Service shall be deemed to have continued without break for all other purposes. Parties shall bear their own costs.

34. Award is given accordingly.

S. N. JOHRI, Presiding Officer

12-12-1977.

(Pt. No. I-29012/3/74-I.R-IV)

JAGDISH PRASAD, Under Secy.

विदेश मंत्रालय

नई दिल्ली, 30 दिसम्बर, 1977

का. आ. 104.—अधिसूचना संख्या एम (हज)/118-1/2/77 दिनांक 17 नवम्बर, 1977 के पैरा 2 के क्रम में, निम्नलिखित तीन को हज समिति अधिनियम 1959 के खंड 4 के उपखंड (1) की धारा (आई) के अंतर्गत सहयोगित किया गया है :—

1. शहजादा शम्शिरभाई साहेब नूरुद्दीन,
वदरी महल, तीसरी मंजिल,
डाक्टर दादाभाई नाराजी रोड, बम्बई-1
2. श्रीमती शीरीं एस. सोमजी,
6, नस्सारुल्ला टेरस,
कॉर्नर आफ बार्डन रोड और नेपियन सी रोड,
बम्बई-26
3. डा. इशाक जिमखानावाला,
111, उन्ड्रिया स्ट्रीट,
बम्बई

[सं. एम (हज)/118-1/2/77]

ए. खलीली, संयुक्त सचिव (एडी एवं हज)

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 30th December, 1977

S.O. 104.—In continuation of para 2 of Notification No. M(HAJ)/1181/2/77 dated 17th November, 1977, the following three members have been co-opted under clause (I) of Sub-Section (1) of Section 4 of the Haj Committee Act, 1959 :—

1. Shahzada Shabbirbhai Sahib Nuruddin,
Badri Mahal,
3rd Floor,
Dr. Dadabhai Nowroji Road,
Bombay-1.
2. Smt. Shirin S. Somjee,
6, Nassarulla Terrace,
Corner of Warden Road &
Napean Sea Road,
Bombay-26.
3. Dr. Ishaq Jamkhanawala,
111, Undria Street,
Bombay.

[No. M(HAJ)/118-1/2/77]

A. KHALILJI, Jt. Secy. (AD & HAJ)